

mutual companies, reciprocals or inter-insurance exchanges, or Lloyds associations covering risks in this State to defray the salaries and expenses of carrying out the provisions of Articles 4907 to 4918, inclusive, Chapter 10, Title 78, Revised Civil Statutes of Texas of 1925, and providing that any unexpended balance shall be carried over in succeeding years in a separate fund, and shall reduce the assessment for succeeding years, and repealing Article 4906, Revised Civil Statutes of 1925; providing a saving clause, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

TWENTY-EIGHTH DAY

(Monday, March 1, 1937)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Calvert.

The roll of the House was called, and the following Members was present:

Mr. Speaker	Dickison
Adkins	Dollins
Alexander	England
Alsup	Felty
Amos	Fielden
Baker	Fox
Beckworth	Fuchs
Bell	Gibson
Blankenship	Graves
Boethel	Hamilton
Bond	Hankamer
Boyer	Hanna
Bradbury	Harbin
Bradford	Hardin
Bridgers	Harper
Broadfoot	Harrell
Brown	Harris of Archer
Burton	Harris of Dallas
Cagle	Harris of Dickens
Carssow	Hartzog
Cathey	Heflin
Cauthorn	Herzik
Celaya	Holland
Cleveland	Hoskins
Davis of Haskell	Howard
Davis of Jasper	Huddleston
Davison of Fisher	Hull
Davisson	Jackson
of Eastland	Johnson of Ellis
Dean	Johnson
Deglandon	of Tarrant
Derden	Jones of Angelina

Jones of Falls	Prescott
Jones of Wise	Quinn
Keefe	Ragsdale
Keith	Reader
Kelt	Reed of Bowie
Kenyon	Reed of Dallas
Kern	Rhodes
King	Riddle
Knetsch	Roark
Langdon	Ross
Lankford	Russell
Lanning	Rutta
Leath	Schuenemann
Leyendecker	Settle
Little	Sewell
Loggins	Sharpe
London	Shell
Lucas	Simpson
Mann	Skaggs
Mauritz	Smith of Hopkins
Mays	Smith
McConnell	of Matagorda
McCracken	Stevenson
McDonald	Stinson
McFarland	Stocks
McKee	Talbert
McKinney	Tarwater
Metcalfe	Tennant
Moffett	Tennyson
Monkhouse	Thornberry
Morris	Thornton
Morse	Vale
Newton	Waggoner
Oliver	Walker
Palmer	Weldon
Patterson of Mills	Westbrook
Patterson	Wood
of Travis	Worley
Powell	

Absent—Excused

Bates	Leonard
Callan	Nicholson
Colquitt	Petsch
Farmer	Pope
Hyder	Smith of Tarrant
James	Winfree
Jones of Atascosa	

A quorum was announced present.

Rev. George W. Coltrin, Chaplain, offered prayer.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Petsch for today, on motion of Mr. Graves.

Mr. Smith of Tarrant for today, on account of important State business, on motion of Mr. Amos.

Mr. Winfree for today, on motion of Mr. Heflin.

Mr. Callan for today, on motion of Mr. Deglandon.

Mr. Pope for today, on motion of Mr. Stevenson.

The following Members were granted leaves of absence on account of illness:

Mr. Farmer for today, on account of illness in his family, on motion of Mr. Jackson.

Mr. Bates for today and the balance of the week, on motion of Mr. Baker.

Mr. Nicholson for today, on motion of Mr. Tarwater.

Mr. Colquitt for today, on motion of Mr. Hanna.

Mr. James for today, on motion of Mr. Johnson of Ellis.

Mr. Jones of Atascosa for today, on motion of Mr. Herzik.

Mr. Hyder for today, on motion of Mr. Harris of Dallas.

Mr. Leonard for today, on motion of Mr. Settle.

MESSAGE FROM THE GOVERNOR

Governor James V. Allred, having been presented by Speaker Calvert, addressed the House, as follows:

To the Members of the Forty-fifth Legislature:

There is pending before the House of Representatives H. S. R. No. 111. This resolution, as amended in committee, has been favorably reported and in all likelihood will shortly be up for passage.

I particularly direct your attention to the concluding language of this resolution, wherein it is resolved "that it is the intent and purpose of the House to adopt as speedily as may be possible . . . a genuinely liberal old age assistance Act, and that until such a measure is adopted by both Houses of the present Legislature and signed by the Governor, this House will decline to pass any measure providing revenue for purposes other than old age assistance."

I do not believe this is the attitude of a majority of the membership of this House; but, whether the sentiment, majority or minority, I want to reason with any of you who may be considering a vote on this resolution. I recognize that it might pass and merely express the temporary mood or

attitude of those who voted for it; but it might conceivably encourage a breach between us and result in a fruitless Regular Session of the 45th Legislature. Of course, this is exactly what lobbyists and representatives of the privileged interests would like to bring about. It is to prevent such a situation that I come to talk with you in person this morning.

This resolution recites that the Governor has "made known his opposition to liberalization of the present old age assistance act, going so far as to say that he would veto a liberalization measure if one should be passed." This language does not do justice to my position on the question as set out in my message of January 13th, but is the shorthand rendition of the authors of the resolution. I quote to you from that message, in part, as follows:

"The last Called Session of the Forty-fourth Legislature recognized this and amended the prior law by enactment of the present statute authorizing State assistance to the needy only. This law has been in effect less than three months. Under capable direction the problem is being dealt with intelligently and as rapidly as possible. Of course, administration of the law may not be without its defects, but we have entered upon a program in which there is little experience to guide us. We must make that experience and benefit from it.

"In view of statements carried in the public press as to efforts which may be made to liberalize the old age assistance law, I feel you are entitled to my views. I tell you, therefore, candidly that I will not approve any bill liberalizing or extending benefits to those who are not in need until the present law has had a just and fair trial. Each of you are, of course, entitled to your own opinion, but I make this statement in the hope that our time may be devoted to other more pressing problems."

Now, my friends of the Legislature, in giving you my views and attitude in advance I was trying to be perfectly frank and honest with you "in the hope that our time might be devoted to more pressing problems." I accorded you the right to a contrary opinion. If you have that contrary opinion, then the Constitution provides a clear-cut remedy. If you believe in providing pensions for every person over 65 years of age, irrespective of need, you can vote your convictions. If a ma-

jority of this House favors such a measure, it can then be passed to the Senate; and if a majority of the Senate likewise favors such a liberal policy, the bill will then come to my desk; and I shall stand upon my message and veto same.

Now, if you are right about it, the bill will then come back to you; and if you can pass it over my veto, you have a perfect right to do so; but, to adopt the attitude called for in this resolution by refusing to vote for any other taxes until "a genuinely liberal old age assistance act is adopted by both Houses of the present Legislature and signed by the Governor" cannot possibly accomplish any worthwhile ends. It will injure you and, worse, the people of Texas, more than it will the Governor.

To pass this resolution would be playing into the hands of the lobby. I am sure the authors have no such intention, but the "Third House" will indeed be well pleased if this resolution passes. They know that a sizeable bloc, at least in the Lower House, is in favor of a very liberal old age assistance law. They know that the Governor has said that at the present time he will veto such a bill. They know that if they can get you into the "sit-down strike" frame of mind called for in the resolution, even though it should fail of passage, their troubles are over.

Naturally, the interests represented by the "Third House" don't want to be taxed for any purpose. Some of them, such as natural resources, are the very ones whom the authors of this resolution want to tax. Their troubles are over, and no tax bills will be passed if they can fan the flames of resentment or stubbornness either on your part or mine. Even if it fails, all tax bills are dead if the resolution represents the attitude of a substantial part of the membership of the Legislature.

Now, let me show you just what position you would be in if you voted for this resolution:

If you vote for this resolution, you will be saying that, while you have a perfect chance to make your record clear for liberal old age assistance by voting for a bill, yet you are going to put every other concern and interest of the State secondary to the interests of those over 65 who can vote without a poll tax; and you are going to place the wishes of this articulate voting group, (over a hundred thousand of

whom are already receiving more consideration than in most of the states of the Union and better treatment than in any other Southern state), first and foremost, to the extent that the other branch of the Legislature and the Governor must sacrifice their views before you will discharge your patriotic duty to provide revenues for other functions of the government; and that, to accomplish this purpose, as stated in the public press, you propose to call a "sit-down strike," and if your attitude isn't adopted by the Senate and the Governor, then you are going to throw in with the anti-tax interests and pass no revenue legislation whatever!

In other words, such a vote means that you say: unless you have your way about it, you are not going to ever allow a bill to come on the floor to raise money to pay our debts; to raise money to pay your own salaries, which are now adding to the deficit; to raise money for other features of the social security act and the President's program.

The old folks over 65 years of age are not the only people who are in need in this State! There are several thousand blind people without a means of livelihood! There are between 30,000 and 50,000 dependent children in unemployable homes, suffering from malnutrition and undernourishment! There are 8900 widows in Texas, without employment, but with children to support! There are thousands of other citizens of Texas who are unemployables and, believe it or not, suffering from hunger. They haven't reached the age of 65 and are not therefore eligible for a pension. Of course, the number of those unfortunates altogether doesn't equal the number of people over 65; and, of course, they can't make as much noise and they can't vote because they haven't got the money to pay a poll tax while the old folks vote free!

Don't you see, my friends, where this kind of attitude will put you? You will say by your vote, or by such an attitude that, unless this articulate group of people over 65 who vote without a poll tax are given everything they demand, you are unwilling to vote to raise money to take care of the unfortunate blind, to take care of the unfortunate dependent children, to take care of the widows and orphans; to raise money to carry out the President's program; that you are unwilling to help me raise money to take insane

people out of jails and remove present occupants of our insane asylums from deadly firetraps! (Of course, the insane can't vote either)!

Why, my friends of the Lower House, in this State at the present time hundreds of unfortunate poor people not yet 65 are suffering from open tuberculosis. Our State Hospital will only take cases in the early stages, and has a long waiting list. I am reliably informed that every one of those open, active tuberculosis cases causes nine additional tuberculars. Yet, if this resolution is passed—yea if it even represents the attitude of a substantial group in this House, you won't help me raise money to remove this menace to the health and well being of all of us unless we first cater and capitulate completely to the demands of an articulate voting group over 65 who still demand more and more, even though we have one of the most liberal, if not the most liberal, old age assistance laws in the nation!

I don't say that the authors of this resolution are in league with the lobbyists or representatives of the big interests. I merely say that they are unconsciously falling in line with what the "Third House" always want to do—block any tax legislation if possible; and if that is not possible, to get us into such a frenzy and such a position that we'll talk sales tax with them. They know, you know, I know that tax measures have to originate in the House, and that if they can just keep a tax bill from coming up in the House until late in the session then it can't possibly get through the Senate and a conference committee in time to reach the Governor's desk.

We have been in session now 49 of the 120 days. Yet no tax bill has been permitted to come up on the floor of this House. Some voted against bringing up such a measure because they are honestly opposed to any additional tax. I have heard other members say they voted against bringing up such a measure because they thought the rates in a particular bill were too high. Of course, if you will just allow any tax measure to come up on the floor, a majority is at perfect liberty to amend and lower the rates.

I have heard other members say that while they favored a particular tax measure, they had voted against bringing it up because it was not provided in the bill that revenues from such a

tax would go into the old age assistance fund. As a matter of fact, you and I know that if you will merely vote to bring up one bill on the floor it is open to amendment; and if it be the majority will, the revenues derived from any such tax may be placed in the old age assistance fund.

The lobbyists of those interests who don't want to see any tax bills passed use these arguments to prevent a bill from even coming up, where such arguments happen to appeal to a particular member of this Legislature. As a result, we haven't been able to get up a single tax bill—not even to fully finance the present old age assistance. You will recall, I told you in my initial message that we would have to have \$1,300,000.00 for the remainder of the present fiscal year ending August 31st. Unless this revenue is provided immediately, the Assistance Commission can't finish out the year on the present basis.

My friends of the Legislature, this battle against injustice, for social betterment, against greed, for humanity, is nothing new. Long, long ago, one of the greatest advocates of justice and of humanity, Amos of old, cried out against just the situation which prevails today.

"Hear this, O ye who swallow up the needy, even to make the poor of the land to fail," he said. "When will the new moon be gone that we may sell corn? and the Sabbath, that we may set forth wheat, making the ephah small, and the shekel great, and falsifying the balances by deceit?"

"That we may buy the poor for silver, and the needy for a pair of shoes; yea, and sell the refuse of the wheat? . . .

"Shall not the land tremble for this, and every one mourn that dwelleth therein?"

Members of the 45th Legislature, it is perhaps commendable to advocate pensions for everybody over 65, but it is not patriotic to say, in effect, that until this is done we will not permit revenues to be provided for other worth while functions of government. If you want to vote for more liberal old age assistance, then do so and make your record clear, but I earnestly and respectfully urge you not to adopt the "sit-down strike" attitude. I beseech you to join with me in furnishing funds for other features of the social security program, to provide for the

blind, for dependent children, for unfortunate widows, for the insane, for the sick, for the lame, the halt.

I urge you to vote to permit tax measures to come up on the floor of this House, that they may be amended, if possible, to meet your views, but that, in any event, revenue measures be passed from out this House to the Senate for action and for the final approval or veto of the Governor. Let's not let our hard work thus far in the session go for naught. Let's make this labor worth while. Let's provide for all the needs of Texas rather than sacrifice an entire program to minister to the needs of only a portion of our people.

I have talked plainly with you. In my judgment the occasion demands plain, straightforward talk; and, above and beyond all, that you and I should work together for Texas.

Respectfully submitted,
JAMES V. ALLRED,
Governor of Texas.

HOUSE BILLS ON FIRST READING

Mr. Graves moved to introduce, at this time, and have placed on first reading, House Bill No. 963.

The motion prevailed by the following vote:

Yeas—111

Adkins	Deglandon
Alexander	Derden
Amos	England
Baker	Felty
Beckworth	Fielden
Bell	Fuchs
Blankenship	Gibson
Boethel	Graves
Bond	Hamilton
Boyer	Hankamer
Bradbury	Hardin
Bradford	Harper
Bridgers	Harrell
Broadfoot	Harris of Archer
Brown	Harris of Dallas
Burton	Harris of Dickens
Cagle	Hartzog
Carssow	Herzik
Cathey	Hoskins
Cauthorn	Howard
Celaya	Huddleston
Cleveland	Hull
Davis of Haskell	Jackson
Davis of Jasper	Johnson of Ellis
Davison of Fisher	Johnson
Davison	of Tarrant
of Eastland	Jones of Angelina
Dean	Jones of Falls

Jones of Wise
Keefe
Keith
Kelt
Kenyon
Kern
King
Knetsch
Lanning
Leath
Leyendecker
Loggins
London
Lucas
Mann
Mays
McConnell
McCracken
McDonald
McFarland
McKee
McKinney
Metcalf
Moffett
Monkhouse
Morris
Morse
Newton
Oliver

Patterson of Mills
Patterson
of Travis
Powell
Prescott
Quinn
Reader
Riddle
Rutta
Schuenemann
Sewell
Sharpe
Shell
Simpson
Skaggs
Smith of Hopkins
Stevenson
Stinson
Talbert
Tennant
Tennyson
Thornberry
Thornton
Vale
Walker
Weldon
Westbrook
Wood
Worley

Nays—13

Dollins	Reed of Dallas
Hanna	Rhodes
Holland	Roark
Lankford	Ross
Little	Russell
Mauritz	Stocks
Reed of Bowie	

Absent

Alsup	Ragsdale
Dickison	Settle
Fox	Smith
Harbin	of Matagorda
Heflin	Tarwater
Langdon	Waggoner
Palmer	

Absent—Excused

Bates	Leonard
Callan	Nicholson
Colquitt	Petsch
Farmer	Pope
Hyder	Smith of Tarrant
James	Winfree
Jones of Atascosa	

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. Graves:

H. B. No. 963, A bill to be entitled "An Act making an appropriation to

the Lower Colorado River Authority for sanitary survey and preventative health measures to be conducted in connection with the projects of the Authority on the Colorado River, and declaring an emergency."

Referred to the Committee on Appropriations.

The following House bill, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Knetsch:

H. B. No. 964, A bill to be entitled "An Act creating and establishing Comal County Water Recreational District No. 1 in Comal County, Texas, under Section 59, of Article XVI, of the Constitution of Texas for the purpose of protecting and preserving the purity and sanitary condition of the waters of a portion of the Comal River in Comal County by keeping the same free and clear of weeds and other growths, and of other obstructions to the free flow thereof, and thereby protect the health of those residing in such District, and keep such waters in good condition for the recreational purposes of swimming and fishing therein and boating thereon by those entitled to do so; . . . etc., and declaring an emergency."

Referred to the Committee on Conservation and Reclamation.

MESSAGE FROM THE SENATE

Austin, Texas, March 1, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 8, A bill to be entitled "An Act amending Acts, 1933, Forty-third Legislature, page 595, Chapter 195 by adding thereto an article known as Article 2326D providing for the compensation of court reporters in certain Judicial Districts, and declaring an emergency."

S. B. No. 130, A bill to be entitled "An Act authorizing A. O. Harris, Mrs. A. O. Harris, and Mrs. Roberta Pearl Van Cleeve, the latter a widow, to sue the State of Texas through the Texas Highway Commission for damages resulting from personal injuries sustained on or about the 8th day of October, 1934, in or near the

City of Fort Worth, Tarrant County, Texas, providing that venue in said suit shall be in Travis County, Texas, and declaring an emergency."

S. B. No. 258, A bill to be entitled "An Act authorizing Jimmie McKee of Parker County, Texas, to file suit against the State of Texas and the State Highway Department for personal injuries sustained while employed by the Highway Department, placing the venue thereof in Travis County, Texas, and declaring an emergency."

S. B. No. 268, A bill to be entitled "An Act to amend Article 1605, Revised Civil Statutes of Texas, 1925, so as to provide that counties having a population of more than seventy-four (74,000) thousand, according to the last Federal Census, and containing one or more cities or towns, other than the county seat, which has in excess of one (1,000) thousand inhabitants, according to the last Federal Census, the Assessor and Tax Collector, with the consent and approval of the Commissioners' Court, may maintain a branch office and appoint a deputy tax collector, from each such town or city to perform the duties of deputy tax collector, and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

CONCERNING PARKING SPACE IN CAPITOL GROUNDS

Mr. London offered the following resolution:

H. C. R. No. 44, Concerning parking space.

Whereas, There is sufficient parking space reserved at the South entrance of the Capitol lawn for all Members of the House and Senate; and

Whereas, Many Members of the House and Senate do not use the space reserved for them, but park their cars elsewhere on the lawn parkways; and

Whereas, This practice causes considerable of the reserved space to be unused, thereby depriving the public of the use of same, and further depriving the public of the use of that part of the non-reserved parkways used by the Members; therefore, be it

Resolved by the House of Representatives, the Senate concurring,

That the Members of both Houses shall park their cars, where at all convenient to do so, in the space reserved for them.

The resolution was read second time, and was adopted.

TO GRANT PERMISSION TO SUE THE STATE

Mr. Kelt offered the following resolution:

H. C. R. No. 45, To grant W. F. Sewell permission to sue the State.

Whereas, The State of Texas, by and through the State Highway Commission, a political subdivision thereof has constructed what is known as State Highway No. 32, Federal Highway No. 75, which runs between the town of Angus and the town of Richland in Navarro County, Texas, and through the homestead property of said Sewell and wife, and which they claim has taken, damaged and destroyed their said property or a portion thereof, and the crops thereon situated by water overflow from Richland Creek, said property being 57 acres of land out of the Upper John White Survey of Navarro County, Texas; said Highway having been constructed during the year 1929, 1930, and 1931, and they claim damage to their crops also for the years 1930, 1931, 1932, and 1933; said J. C. Lewis being a tenant on said place and joining in said suit; said W. F. Sewell and his wife, and J. C. Lewis, claiming that their lands and crops would not have been taken, injured or destroyed, if said road had been properly constructed, or if same had not been constructed at all. The said 57 acres of land is the homestead property of said Sewell and wife, said J. C. Lewis was a tenant thereon and was made a party hereto on account of his interest in the crops growing thereon for the year, 1930; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the said W. F. Sewell and wife, and the said J. C. Lewis are hereby granted permission to continue the suit already brought by them against the State of Texas, and the State Highway Commission of Texas, by making them parties defendant in the suit now pending in the District Court of Navarro County, Texas, for the purposes of determining the compensa-

tion or damages, if any, the said W. F. Sewell and wife, and J. C. Lewis are entitled to recover by reason of the premises above set forth, and set out in their Original Petition and in their Amended Petition in said suit on account of the construction of said Highway and the manner of the construction and maintenance thereof.

Said suit was brought in the District Court of Navarro County, Texas, the original petition having been filed on September 21, 1931, and service thereon has been had, and amended petitions have been filed claiming damages to said lands and the crops growing thereon for the years 1930, 1931, 1932, and 1933, and said W. F. Sewell and wife and said J. C. Lewis have never been compensated for damages to their said lands and crops, they are hereby granted permission to bring and continue said suit against the said State of Texas, and said State Highway Commission, and pursue the same to final judgment in accordance with their petition and amended petitions filed and to be filed in the District Court of Navarro County, Texas, said cause being No. 17293, upon the docket of said Court. That said suit shall be tried according to the same rules of law and procedure as to liability that would be applicable and available, if such suit were brought against any private corporation under the same facts and circumstances as provided by the laws of this State. It is further provided that any service of any process that may be necessary may be served upon the Chairman of the State Highway Commission, or the Attorney General of the State of Texas, who has answered for said defendants.

It is further ordered that if the plaintiffs in said suit shall recover a final judgment that same shall be paid out of the State Highway funds.

This resolution is in addition to the resolutions heretofore passed by the Legislature of the State of Texas, and adopted by the House of Representatives on April 29, 1933, being House Concurrent Resolution No. 61, and by the Senate on May 18, 1933, and also to House Concurrent Resolution No. 5, which was adopted by the House of Representatives on February 5, 1934, and adopted by the Senate February 12, 1934.

The resolution was read second time, and was referred, by the

Speaker, to the Committee on State Affairs.

TO GRANT PERMISSION TO SUE THE STATE

Mr. Kelt offered the following resolution:

H. C. R. No. 46, To grant E. A. Eliot and wife permission to sue the State.

Whereas, The State of Texas, by and through the State Highway Commission, a political subdivision thereof, constructed what is known as State Highway No. 32, Federal Highway No. 75, which runs between the town of Angus and the town of Richland in Navarro County, Texas, and west of the property of E. A. Eliot and his wife, Mrs. Hattie Eliot, and taking about an acre thereof on the west side of said property, and which they claim has taken, damaged and destroyed their said property and the crops thereon situated by overflow, said property being about 108 acres of land out of the Upper John White League in Navarro County, Texas; said Highway being constructed in the latter part of 1929, and the years 1930 and 1931, and they claim also damage to their crops for the years 1930, 1931, 1932 and 1933; said E. A. Eliot and wife claiming that their lands and crops would not have been taken, injured or destroyed if said road had been properly constructed, or if same had not been constructed at all.

A portion of the crops of 1930 were attempted to be cultivated and made by two tenants, Percy Banks and Charlie Armstrong, but they have assigned their cause of action therefor to said E. A. Eliot and wife; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That said E. A. Eliot and his wife are hereby granted permission to continue the suit already brought by them against the State of Texas and the State Highway Commission of Texas, by making them parties defendant in the suit now pending in the District Court of Navarro County, Texas, for the purpose of determining the compensation or damages, if any, the said E. A. Eliot and his wife are entitled to recover by reason of the premises above set forth and set out in their petition and amended petitions in said suit on account of the construction of said high-

way and the manner of the construction and maintenance thereof.

Said suit was brought in the District Court of Navarro County, Texas, the Original Petition having been filed on September 12, 1931, and service thereof has been had, and the Amended Petition as claiming damages to said property and the crops growing thereon for the years 1930, 1931, 1932 and 1933, and said E. A. Eliot and wife have never been compensated for the damages to their said lands and crops, they are hereby granted permission to bring and continue said suit against the said State of Texas and said Highway Commission and pursue the same to final judgment, in accordance with their Petition and Amended Petitions filed and to be filed in said District Court of Navarro County, Texas, said cause being No. 17270 upon the docket of said Court.

That said suit shall be tried according to the same rules of law and procedure as to liability that would be applicable and available if such suit were brought against any private corporation under the same facts and circumstances as provided by the laws of this State. It is further provided that any service of any process that may be necessary may be served upon the Chairman of the State Highway Commission or the Attorney General of Texas, who has answered for said defendants.

It is further ordered that if the plaintiffs in said suit shall recover a final judgment, that same shall be paid out of the State Highway Funds.

This resolution is in addition to the resolutions heretofore passed by the Legislature of the State of Texas and adopted by the House of Representatives, being House Concurrent Resolution No. 62, on April 29, 1933, and by the Senate on May 18, 1933, and also to House Concurrent Resolution No. 6, which was adopted by the House of Representatives on February 5, 1934, and adopted by the Senate on February 12, 1934.

The resolution was read second time, and was referred, by the Speaker, to the Committee on State Affairs.

TO GRANT PERMISSION TO SUE THE STATE

Mr. Kelt offered the following resolution:

H. C. R. No. 47, To grant Mrs. Patsy Ballew Smith permission to sue the State.

Whereas, On or about November 25, 1936, while Mrs. Patsy Ballew Smith and her husband, Earnest Jackson Smith, of Corsicana, Texas, were driving North in their automobile on North Beaton Street, in the city of Corsicana, Texas, that a truck owned by the State of Texas and in the proprietary use of the State of Texas in the operation of the State Orphans Home at Corsicana, Texas, an institution owned and operated by said State of Texas, and while said truck was being operated by an employee of said State Orphans Home, and while said truck was being driven at a high rate of speed in a westerly direction on Third Avenue in said city of Corsicana, Texas, that the operator of said truck, while driving the same at a high rate of speed, caused same to be driven into said automobile owned and occupied by the said Mrs. Patsy Ballew Smith and her husband, Earnest Jackson Smith, with such force that said automobile was completely turned from its course and hurled upon the sidewalk in front of Sowell Brothers Store located at the corner of said Beaton Street and Third Avenue; and

Whereas, When said truck struck said automobile the body of said Earnest Jackson Smith was hurled from said automobile and under and beneath said truck and dragged by said truck a considerable distance resulting in his death; and

Whereas, A serious question and probable liability on the part of the State of Texas for damages has arisen, both by reason of the speed at which said truck was being operated and the contention that the brakes upon said truck were wholly defective and insufficient to check or control the speed of said truck; and

Whereas, The said Earnest Jackson Smith is survived alone by his wife, Mrs. Patsy Ballew Smith, who has never been compensated for the loss of her said husband, or the destruction of their automobile; and

Whereas, It is claimed by the said Mrs. Patsy Ballew Smith that the servant, agent and employee of said State of Texas who was operating said truck was grossly negligent in the operation of said truck and that said State of Texas was grossly negligent in permitting the brakes of said truck to be so out of repair as to render the operation of said truck

dangerous to persons and property; now therefore, be it

Resolved by the House of Representatives, the Senate concurring, That said Mrs. Patsy Ballew Smith be and she is hereby granted permission to bring suit against the State of Texas, in a court of competent jurisdiction of Navarro County, Texas, in order to determine and settle the question of liability of the State of Texas for damages, if any, and the amount that she may be entitled to recover as arising out of and in connection with the aforesaid loss, and that in case such suit be filed that service of citation or other necessary process may be had upon the Superintendent of said State Orphans Home at Corsicana, Texas, and the Attorney General of the State of Texas, with the same force and effect as in other civil cases.

The resolution was read second time, and was referred, by the Speaker, to the Committee on State Affairs.

RELATIVE TO PASSAGE OF OLD AGE ASSISTANCE ACT

The Speaker laid before the House, for consideration at this time, resolution by Mr. Hardin, offered on Monday, February 22, to declare policy of the House in regard to Old Age Assistance.

The resolution having heretofore been read second time, and referred to the Committee on State Affairs.

The Committee on State Affairs having recommended the adoption of the resolution.

Mr. Winfree offered the following amendment to the resolution:

Amend the resolution by striking out paragraph 6.

WINFREE,
HUDDLESTON,
JOHNSON of Ellis,
PRESCOTT.

The amendment was adopted.

Mr. Lucas offered the following amendment to the resolution:

Amend the resolution by striking out the period at the end of the resolving clause, inserting in lieu thereof a comma and the following: "unless otherwise provided by the State Constitution".

The amendment was adopted.

Mr. Quinn moved that further consideration of the resolution be post-

poned until the first Monday in next April.

Mr. Bond moved to table the resolution.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—88

Alexander	King
Alsup	Knetsch
Baker	Langdon
Bell	Lanning
Blankenship	Leath
Boethel	Leyendecker
Bond	London
Bradford	Lucas
Bridgers	Mann
Broadfoot	Mauritz
Brown	Mays
Burton	McConnell
Carssow	McDonald
Cauthorn	McFarland
Celaya	McKee
Davis of Haskell	McKinney
Davison of Fisher	Metcalfe
Davisson	Moffett
of Eastland	Monkhouse
Dean	Morris
Deglandon	Morse
England	Palmer
Felty	Patterson
Fox	of Travis
Gibson	Powell
Graves	Prescott
Hamilton	Quinn
Hankamer	Ragsdale
Harper	Reader
Harris of Archer	Roark
Hartzog	Ross
Herzik	Russell
Hoskins	Rutta
Howard	Settle
Hull	Sharpe
Jackson	Smith of Hopkins
Johnson	Smith
of Tarrant	of Matagorda
Jones of Angelina	Stinson
Jones of Falls	Stocks
Jones of Wise	Talbert
Keefe	Tennyson
Keith	Thornberry
Kelt	Thornton
Kenyon	Waggoner
Kern	Worley

Nays—37

Adkins	Cagle
Amos	Cathey
Beckworth	Derden
Boyer	Dickison
Bradbury	Dollins

Fielden	Oliver
Hanna	Patterson of Mills
Harbin	Reed of Bowie
Hardin	Reed of Dallas
Harrell	Rhodes
Harris of Dallas	Sewell
Harris of Dickens	Simpson
Holland	Skaggs
Huddleston	Stevenson
Johnson of Ellis	Tennant
Lankford	Vale
Loggins	Weldon
McCracken	Wood
Newton	

Present—Not Voting

Davis of Jasper	Westbrook
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Absent

Cleveland	Schuenemann
Fuchs	Shell
Heflin	Tarwater
Little	Walker
Riddle	

Absent—Excused

Bates	Leonard
Callan	Nicholson
Colquitt	Petsch
Farmer	Pope
Hyder	Smith of Tarrant
James	Winfree
Jones of Atascosa	

REPORT OF COMMITTEE TO MAKE INVESTIGATION IN RE- GARD TO OFFICE SPACE FOR STATE DE- PARTMENTS

Mr. Cathey, Chairman of the committee heretofore appointed to make certain investigation in regard to office space for State Departments, submitted the following report:

Honorable R. W. Calvert, Speaker,
House of Representatives,
Forty-fifth Legislature,
Austin, Texas.

Sir:

Your committee appointed to investigate the vacant rooms in the Texas Confederate Home in Austin, and make recommendations regarding same, beg leave to report their findings. We find the following buildings and dimensions, etc., as handed your committee by E. L. Hardin, Superintendent, which was compiled by the Chief Engineer, Storekeeper and Accountant, as follows:

Main Dining Room: Brick stucco; 83x48 ft. one room, concrete floor.

Old Hospital: Brick stucco; 458 ft., around, 2 wards, 14 rooms.

Chapel Building: Brick stucco; 690 ft. around, 2 wards, 15 rooms.

Mothers Building: Brick veneer; 1366 ft. around, 2 wards, 49 rooms. Will be available Sept. 1, 1937.

Dick Winn Addition: Frame; 17x16 ft. 9 rooms.

Brick Cottage: Stucco; 60x18 ft. 4 rooms.

Brick Cottage: Stucco; 59x20 ft. 3 rooms.

Brick Cottage: Stucco; 58x20 ft. 3 rooms.

Brick Cottage: Stucco; 58x20 ft. 3 rooms.

Brick Cottage: Stucco; 76x20 ft., 4 rooms.

We find these buildings are empty on account of nearly all of the old confederates having passed away. We find these buildings in good shape; some of them perhaps needing a little repair but can be used for offices, which will save several thousand dollars of the taxpayer's money being paid on rent. We find that without question there is room enough to take care of something like five or six hundred desks and employees. We find these buildings located just a few blocks from Congress Avenue, right on the street car line, with plenty of parking space, and a beautiful place. We find one building which will be vacant September first of this year, which will give 49 rooms, which will be comfortable and well lighted. We are informed by attendants out there that the water, light and heat can be turned on in an hour's time.

We beg leave to suggest that the Old Ladies Home or the Home for the widows of the Confederate Veterans, which is also a beautiful place, located a few blocks from the Capitol, and the home for the Texas Confederate Veterans be consolidated, which we think would cut a very large expense from the taxpayers.

We would like also to suggest, that if for any reason unknown to this committee, that the officers of different Departments of this State, Boards, Commissions, etc., cannot be located in these buildings, that they should be turned into and used as an addition to the Insane Asylum to save the construction of new buildings at this time.

We further recommend that if they cannot be used for either of the above named Departments of the State, that

they be used for indigent world war soldiers.

We further suggest that any Members of the House or Senate that are not satisfied with our suggestions, that they go out individually and investigate same for themselves.

Respectfully submitted,

CATHEY, Chairman,
JOHNSON of Ellis,
TENNANT,
SETTLE.

On motion of Mr. Cathey, the report was received, filed and ordered printed in the Journal.

MESSAGE FROM THE SENATE

Austin, Texas, March 1, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. C. R. No. 40, Inviting Honorable Tom Connally to address a Joint Session of the House and Senate, Tuesday evening, March 2, at eight o'clock.

Respectfully,

BOB BARKER,
Secretary of the Senate.

BILL SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and its caption had been read, the following enrolled bill:

S. B. No. 303, "An Act creating a Special Law for San Saba County, Texas, providing that said County may fund certain warrants outstanding against its Road and Bridge Fund as of February 15, 1937, by the issuance of funding bonds, and setting forth the method of issuing same, and declaring an emergency."

HOUSE BILL NO. 267 ON SECOND READING

On motion of Mr. Kern, the regular order of business was suspended, at this time, to take up and have placed on its second reading and passage to engrossment,

H. B. No. 267, A bill to be entitled "An Act declaring it unlawful to publish or disseminate or cause to be published or disseminated within the State of Texas any advertisement intended to induce the use or consump-

tion of alcoholic liquors; defining intoxicating liquor; providing a penalty for the violation of this Act; repealing all laws in conflict, and declaring an emergency."

The Speaker then laid House Bill No. 267 before the House, and it was read second time.

Mr. Blankenship offered the following amendment to the bill:

Amend House Bill No. 267, by striking out the following words in Sec. 1: "in any newspaper, magazine, periodical, pamphlet, circular or other publication published in this State."

On motion of Mr. Morris, the amendment was tabled.

Mr. Harris of Dallas offered the following amendment to the bill:

Amend House Bill No. 267, Sec. 1, line 18, by inserting after the word liquors, the following and "tobaccos".

Mr. Harris of Dickens raised a point of order, on further consideration of the amendment by Mr. Harris of Dallas, on the ground that the amendment is not germane to the bill.

The Speaker sustained the point of order.

Mr. Sharpe offered the following amendment to the bill:

Amend House Bill No. 267, by striking out line 13 of said bill.

SHARPE,
HANNA.

Mr. Harris of Dickens moved the previous question on the adoption of amendment, and the main question was ordered.

Question recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—79

Alexander	Dickison
Amos	Dollins
Baker	Felty
Bell	Fielden
Blankenship	Fox
Boethel	Fuchs
Boyer	Hankamer
Bradford	Hanna
Brown	Hardin
Cathey	Harper
Cauthorn	Harris of Archer
Celaya	Harris of Dallas
Cleveland	Harris of Dickens
Davison of Fisher	Hartzog
Dean	Heflin

Herzik	Newton
Hoskins	Patterson
Howard	of Travis
Hull	Powell
Jackson	Quinn
Johnson of Ellis	Reader
Johnson	Reed of Dallas
of Tarrant	Riddle
Jones of Angelina	Roark
Jones of Falls	Rutta
Keith	Schuenemann
Kenyon	Settle
Knetsch	Sewell
Langdon	Sharpe
Leath	Shell
Little	Smith of Hopkins
Loggins	Stinson
Mann	Tennyson
Mays	Thornton
McCracken	Vale
McDonald	Waggoner
McFarland	Walker
McKinney	Wood
Monkhouse	Worley
Morse	

Nays—54

Adkins	London
Alsup	Lucas
Beckworth	McConnell
Bond	Metcalfe
Bradbury	Moffett
Bridgers	Morris
Burton	Oliver
Cagle	Palmer
Davis of Haskell	Patterson of Mills
Davis of Jasper	Prescott
Deglandon	Ragsdale
Derden	Reed of Bowie
England	Rhodes
Gibson	Ross
Graves	Russell
Hamilton	Simpson
Harbin	Skaggs
Harrell	Smith
Holland	of Matagorda
Huddleston	Stevenson
Jones of Wise	Stocks
Keefe	Talbert
Kelt	Tarwater
Kern	Tennant
King	Thornberry
Lankford	Weldon
Lanning	Westbrook
Leyendecker	

Present—Not Voting

Broadfoot

Absent

Carssow	Mauritz
Davisson	McKee
of Eastland	

Absent—Excused

Bates	Leonard
Callan	Nicholson
Colquitt	Petsch
Farmer	Pope
Hyder	Smith of Tarrant
James	Winfree
Jones of Atascosa	

PAIRED

Mr. Broadfoot (present), who would vote "yea", with Mr. Carsow (absent), who would vote "nay".

Mr. Blankenship moved to reconsider the vote by which the amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 6 ON SECOND READING

Mr. Reed of Bowie moved that the regular order of business be suspended, at this time, to take up and have placed on its second reading and passage to engrossment,

H. B. No. 6, A bill to be entitled "An Act to amend Section 2 of Chapter 162, Acts, Regular Session of the Forty-third Legislature, page 409, as amended by Chapter 12, Acts, First Called Session of the Forty-third Legislature, as amended by Chapter 495, Section Four, Article Four, House Bill No. 8, Third Called Session, Forty-fourth Legislature, and declaring an emergency."

The motion prevailed by the following vote:

Yeas—84

Adkins	Dickison
Alsup	Dollins
Amos	England
Baker	Felty
Beckworth	Fielden
Bell	Fox
Boethel	Fuchs
Bradbury	Graves
Bridgers	Hamilton
Brown	Harbin
Burton	Hardin
Cagle	Harper
Cathey	Harris of Dickens
Cauthorn	Heflin
Cleveland	Herzik
Davis of Haskell	Holland
Davis of Jasper	Huddleston
Davison of Fisher	Johnson of Ellis
Deglandon	Jones of Angelina
Derden	Jones of Falls

Jones of Wise

Keefe
Keith
Kelt
Kenyon
Kern
King
Knetsch
Langdon
Lankford
Leyendecker
Loggins
Lucas
Mann
Mauritz
Mays
McDonald
Monkhouse
Morris
Newton
Oliver
Palmer
Patterson of Mills

Patterson

of Travis
Powell
Prescott
Ragsdale
Reader
Reed of Bowie
Rhodes
Ross
Russell
Rutta
Sewell
Sharpe
Simpson
Skaggs
Smith of Hopkins
Stocks
Talbert
Thornberry
Waggoner
Weldon
Westbrook

Nays—47

Alexander	McCracken
Blankenship	McFarland
Boyer	McKinney
Bradford	Metcalfe
Broadfoot	Moffett
Celaya	Morse
Davisson	Quinn
of Eastland	Reed of Dallas
Dean	Riddle
Gibson	Roark
Hankamer	Schuenemann
Hanna	Settle
Harris of Archer	Shell
Harris of Dallas	Smith
Hartzog	of Matagorda
Hoskins	Stevenson
Howard	Stinson
Jackson	Tarwater
Johnson	Tennant
of Tarrant	Tennyson
Lanning	Thornton
Leath	Vale
Little	Walker
London	Wood
McConnell	Worley

Absent

Bond	Hull
Carsow	McKee
Harrell	

Absent—Excused

Bates	Leonard
Callan	Nicholson
Colquitt	Petsch
Farmer	Pope
Hyder	Smith of Tarrant
James	Winfree
Jones of Atascosa	

The Speaker then laid House Bill No. 6 before the House, and it was read second time.

Mr. Roark offered the following amendment to the bill:

Amend House Bill No. 6, by striking out the words and figures "ten (10)" wherever they appear and insert in lieu thereof the words and figures, "four (4)".

Mr. Harris of Dickens offered the following substitute for the amendment by Mr. Roark:

Amend House Bill No. 6, Section 2, line 22 on page one, by striking out the words and figures "(10) ten" and insert in lieu thereof the words and figures "(5) five".

HARRIS of Dickens,
RUTTA,
CAUTHORN,

Question—Shall the substitute amendment be adopted?

MESSAGE FROM THE SENATE

Austin, Texas, March 1, 1937.
Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has concurred in House amendments to Senate Concurrent Resolution No. 35 by a Viva Voce Vote.

Respectfully,

BOB BARKER,
Secretary of the Senate.

INVITING HONORABLE TOM CONNALLY TO ADDRESS A JOINT SESSION

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 40, Inviting Honorable Tom Connally to address a Joint Session.

Whereas, The Honorable Tom Connally, Junior United States Senator of Texas, will be in Austin on Tuesday, March 2nd; and

Whereas, Due to the fact that Congress is in session and there are many problems of national import pressing for solution; and

Whereas, Our Junior United States Senator is in the front line in the matter of solving the great problems which confront the people of the nation today; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives con-

curring, That Senator Connally be invited to address a Joint Session of the House and Senate to be held in the House on Tuesday evening at eight o'clock, March 2, 1937.

The resolution was read second time, and was adopted.

HOUSE BILL NO. 218 WITH SENATE AMENDMENTS

Mr. Hardin called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 218, A bill to be entitled "An Act to amend House Bill No. 423, Acts of the Forty-fourth Legislature, Regular Session, by providing that Limestone, Robertson and Milam Counties be excepted from the provisions of said bill, and declaring an emergency."

The Speaker laid the bill before the House with the Senate amendments.

On motion of Mr. Hardin, the House concurred in the Senate amendments.

SENATE BILLS ON FIRST READING

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 8, to the Committee on Judiciary.

Senate Bill No. 130, to the Committee on State Affairs.

Senate Bill No. 268, to the Committee on Counties.

Senate Bill No. 258, to the Committee on State Affairs.

RECESS

Mr. Roark moved that the House recess to 2:00 o'clock p. m., today.

Mr. Tennyson moved that the House recess to 7:30 o'clock p. m., today.

Question first recurring on the motion by Mr. Roark, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—68

Alsup	Bond
Amos	Bradbury
Baker	Bridgers
Beckworth	Brown
Bell	Burton

Cathey	McConnell
Cleveland	Metcalfe
Davis of Jasper	Morris
Davison of Fisher	Newton
Deglandon	Oliver
Derden	Palmer
England	Patterson of Mills
Fielden	Patterson
Fox	of Travis
Hamilton	Prescott
Harbin	Quinn
Hardin	Ragsdale
Harrell	Reed of Bowie
Harris of Dickens	Reed of Dallas
Holland	Rhodes
Huddleston	Roark
Jones of Angelina	Ross
Jones of Wise	Rutta
Keefe	Sewell
Keith	Sharpe
Kelt	Simpson
Kenyon	Skaggs
Kern	Smith
Knetsch	of Matagorda
Lankford	Talbert
London	Thornberry
Lucas	Waggoner
Mann	Weldon
Mauritz	Westbrook
Mays	Wood

Nays—57

Adkins	King
Alexander	Lanning
Blankenship	Leath
Boethel	Leyendecker
Boyer	Little
Bradford	Loggins
Cagle	McCracken
Celaya	McDonald
Davison	McKee
of Eastland	McKinney
Dean	Moffett
Dickison	Monkhouse
Dollins	Morse
Felty	Riddle
Fuchs	Russell
Gibson	Schuenemann
Hankamer	Settle
Hanna	Shell
Harper	Smith of Hopkins
Harris of Archer	Stevenson
Harris of Dallas	Stinson
Hartzog	Stocks
Heflin	Tarwater
Herzik	Tennant
Hoskins	Tennyson
Howard	Thornton
Hull	Vale
Johnson of Ellis	Walker
Jones of Falls	Worley

Present—Not Voting

Jackson

Absent

Broadfoot	Johnson
Carssow	of Tarrant
Cauthorn	Langdon
Davis of Haskell	McFarland
Graves	Powell
	Reader

Absent—Excused

Bates	Leonard
Callan	Nicholson
Colquitt	Petsch
Farmer	Pope
Hyder	Smith of Tarrant
James	Winfree

Jones of Atascosa

The House, accordingly, at 12:15 o'clock p. m., took recess to 2:00 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2:00 o'clock p. m., and was called to order by the Speaker.

HOUSE BILL NO. 6 ON PASSAGE TO ENGROSSMENT

The House resumed consideration of pending business, same being House Bill No. 6, relative to increasing the tax on oil, on its passage to engrossment.

The bill having been read second time on this morning, with amendment by Mr. Roark and substitute amendment by Mr. Harris of Dickens for the amendment by Mr. Roark, pending.

Mr. Reed of Bowie moved to table the substitute amendment by Mr. Harris of Dickens.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—86

Adkins	Carssow
Alexander	Celaya
Alsup	Cleveland
Amos	Davis of Haskell
Baker	Davis of Jasper
Bell	Davison of Fisher
Blankenship	Davison
Bond	of Eastland
Boyer	Dean
Brown	Deglandon
Burton	Dickison

Dollins	McFarland
England	McKinney
Felty	Metcalfe
Fox	Moffett
Graves	Morse
Hamilton	Newton
Hankamer	Oliver
Hanna	Palmer
Harbin	Patterson of Mills
Hardin	Patterson
Harrell	of Travis
Harris of Archer	Powell
Harris of Dallas	Prescott
Hartzog	Quinn
Heflin	Reader
Holland	Reed of Bowie
Huddleston	Reed of Dallas
Johnson of Ellis	Rhodes
Johnson	Roark
of Tarrant	Ross
Jones of Angelina	Russell
Jones of Falls	Simpson
Keith	Smith of Hopkins
Kenyon	Stevenson
Kern	Stinson
Lankford	Stocks
Leath	Tarwater
Little	Tennyson
Loggins	Thornton
London	Vale
Mauritz	Walker
Mays	Westbrook
McCracken	Worley
McDonald	

Nays—33

Beckworth	Knetsch
Boethel	Lanning
Bradbury	Lucas
Bridgers	Mann
Broadfoot	McConnell
Cagle	McKee
Cauthorn	Monkhouse
Derden	Morris
Fielden	Rutta
Fuchs	Schuenemann
Harris of Dickens	Settle
Herzik	Sharpe
Hyder	Smith
Jones of Wise	of Matagorda
Keefe	Thornberry
Kelt	Waggoner
King	Weldon

Present—Not Voting

Wood

Absent

Bradford	Hull
Cathey	Jackson
Gibson	Langdon
Harper	Leyendecker
Hoskins	Ragsdale
Howard	Riddle

Sewell	Talbert
Shell	Tennant
Skaggs	

Absent—Excused

Bates	Leonard
Callan	Nicholson
Colquitt	Petsch
Farmer	Pope
James	Smith of Tarrant
Jones of Atascosa	Winfree

PAIRED

Mr. Wood (present), who would vote "yea", with Mr. Langdon (absent), who would vote "nay".

Mr. Lanning offered the following substitute for the amendment by Mr. Roark:

Amend House Bill No. 6 as follows:

"Strike out Section 2 (1a) and insert as follows: there is hereby levied an occupation tax on oil production within this State of two and three-fourths ($2\frac{3}{4}$) cents per barrel of 42 standard gallons from oil wells that produce 10 barrels or less of oil per day. A tax of $3\frac{1}{2}$ cents per barrel from wells that produce in excess of 10 barrels and less than 20 barrels per day. A tax of 4 cents per barrel from wells that produce in excess of 20 barrels per day.

The daily production of each well shall be computed by taking the aggregate monthly production divided by the number of days in the month. The production report of each well shall be sworn under oath at the end of each month and said report shall be presented to the Comptroller.

Any producer, individual, partnership, corporation or association that refuses to make this report or makes an untrue statement in such report shall be subject to a fine of \$500 or one year in jail for each separate offense."

Mr. Keefe moved to table the substitute amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—101

Adkins	Blankenship
Alsup	Boethel
Amos	Bond
Bell	Boyer

Bridgers	Lankford
Broadfoot	Leath
Brown	Loggins
Burton	Lucas
Cagle	Mann
Carssow	Mays
Cathey	McCracken
Cauthorn	McDonald
Celaya	McKinney
Cleveland	Monkhouse
Davis of Haskell	Morris
Davis of Jasper	Morse
Davison of Fisher	Newton
Deglandon	Oliver
Derden	Palmer
Dickison	Patterson
Dollins	of Travis
England	Powell
Felty	Ragsdale
Fielden	Reader
Fox	Reed of Bowie
Fuchs	Reed of Dallas
Gibson	Rhodes
Graves	Riddle
Hamilton	Ross
Hankamer	Russell
Hanna	Rutta
Harbin	Schuenemann
Hardin	Settle
Harper	Sewell
Harrell	Sharpe
Harris of Dallas	Shell
Hartzog	Simpson
Heflin	Skaggs
Herzik	Smith of Hopkins
Hoskins	Smith
Huddleston	of Matagorda
Hull	Stevenson
Jackson	Stinson
Johnson	Stocks
of Tarrant	Talbert
Jones of Angelina	Tennant
Jones of Falls	Thornton
Jones of Wise	Vale
Keefe	Waggoner
Keith	Weldon
Kern	Westbrook
Knetsch	Wood

Nays—27

Alexander	Little
Baker	London
Beckworth	Mauritz
Bradbury	McConnell
Bradford	McFarland
Davison	Metcalfe
of Eastland	Moffett
Harris of Archer	Prescott
Harris of Dickens	Quinn
Hyder	Roark
Johnson of Ellis	Tarwater
Kelt	Tennyson
King	Walker
Lanning	Worley

Absent

Dean	Leyendecker
Holland	McKee
Howard	Patterson of Mills
Kenyon	Thornberry
Langdon	

Absent—Excused

Bates	Leonard
Callan	Nicholson
Colquitt	Petsch
Farmer	Pope
James	Smith of Tarrant
Jones of Atascosa	Winfree

Mr. Graves offered the following substitute for the amendment by Mr. Roark:

Amend House Bill No. 6, by striking out the words and figures "10 cents" in line 22, paragraph 1, and substituting therefor "6 cents."

GRAVES,
SHARPE.

Mr. Hanna moved to table the substitute amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—59

Alexander	McConnell
Blankenship	McCracken
Bond	McFarland
Boyer	McKee
Bradbury	McKinney
Bradford	Metcalfe
Bridgers	Moffett
Carssow	Morse
Cathey	Prescott
Davison	Quinn
of Eastland	Reed of Dallas
Dean	Rhodes
Deglandon	Riddle
Felty	Roark
Fuchs	Rutta
Gibson	Schuenemann
Hankamer	Settle
Hanna	Shell
Harris of Archer	Simpson
Harris of Dallas	Stevenson
Hartzog	Stinson
Hull	Stocks
Hyder	Talbert
Johnson of Ellis	Tarwater
Johnson	Tennant
of Tarrant	Tennyson
Leath	Thornton
Leyendecker	Vale
Little	Walker
Loggins	Worley
London	

Nays—72

Adkins	Keith
Alsup	Kelt
Amos	Kenyon
Baker	Kern
Beckworth	King
Bell	Knetsch
Boethel	Lankford
Broadfoot	Lanning
Brown	Lucas
Burton	Mann
Cagle	Mauritz
Cauthorn	Mays
Celaya	McDonald
Cleveland	Monkhouse
Davis of Haskell	Morris
Davis of Jasper	Newton
Davison of Fisher	Oliver
Derden	Palmer
Dickison	Patterson of Mills
Dollins	Patterson
England	of Travis
Fielden	Powell
Fox	Ragsdale
Graves	Reader
Hamilton	Reed of Bowie
Harbin	Ross
Hardin	Russell
Harper	Sewell
Harrell	Sharpe
Harris of Dickens	Skaggs
Herzik	Smith of Hopkins
Holland	Smith
Huddleston	of Matagorda
Jones of Angelina	Thornberry
Jones of Falls	Waggoner
Jones of Wise	Weldon
Keefe	Westbrook

Present—Not Voting

Wood

Absent

Heflin	Jackson
Hoskins	Langdon

Absent—Excused

Bates	Leonard
Callan	Nicholson
Colquitt	Petsch
Farmer	Pope
James	Smith of Tarrant
Jones of Atascosa	Winfree

PAIRED

Mr. Wood (present); who would vote "yea", with Mr. Langdon (absent), who would vote "nay".

Question recurring on the substitute amendment by Mr. Graves, yeas and nays were demanded.

The substitute amendment was adopted by the following vote:

Yeas—78

Adkins	Kelt
Amos	Kern
Baker	King
Beckworth	Knetsch
Bell	Lankford
Boethel	Lanning
Bridgers	Leyendecker
Broadfoot	Lucas
Brown	Mann
Burton	Mauritz
Cagle	Mays
Cathey	McDonald
Celaya	Monkhouse
Cleveland	Morris
Davis of Haskell	Newton
Davis of Jasper	Oliver
Davison of Fisher	Palmer
Deglandon	Patterson of Mills
Derden	Patterson
Dickison	of Travis
Dollins	Powell
England	Prescott
Fielden	Ragsdale
Fox	Reader
Fuchs	Reed of Bowie
Graves	Rhodes
Hamilton	Ross
Harbin	Russell
Hardin	Sewell
Harper	Sharpe
Harrell	Simpson
Harris of Dickens	Skaggs
Herzik	Smith of Hopkins
Holland	Smith
Huddleston	of Matagorda
Jones of Angelina	Stocks
Jones of Falls	Thornberry
Jones of Wise	Waggoner
Keefe	Weldon
Keith	Westbrook

Nays—55

Alexander	Hartzog
Alsup	Heflin
Blankenship	Hoskins
Bond	Hull
Boyer	Hyder
Bradbury	Jackson
Bradford	Johnson of Ellis
Carssow	Johnson
Davison	of Tarrant
of Eastland	Kenyon
Dean	Leath
Felty	Little
Gibson	Loggins
Hankamer	London
Hanna	McConnell
Harris of Archer	McCracken
Harris of Dallas	McFarland

McKee	Shell
McKinney	Stevenson
Metcalfe	Stinson
Moffett	Talbert
Morse	Tarwater
Quinn	Tennant
Reed of Dallas	Tennyson
Riddle	Thornton
Roark	Vale
Rutta	Walker
Schuenemann	Worley
Settle	

Present—Not Voting

Wood

Absent

Cauthorn	Langdon
Howard	

Absent—Excused

Bates	Leonard
Callan	Nicholson
Colquitt	Petsch
Farmer	Pope
Janes	Smith of Tarrant
Jones of Atascosa	Winfree

PAIRED

Mr. Wood (present), who would vote "nay", with Mr. Langdon (absent), who would vote "yea".

Mr. Graves moved to reconsider the vote by which the substitute amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

REASON FOR VOTE

The reason I voted against the six cent oil tax is that I favored a four cent tax instead of the six. The six cent tax represents an increase of approximately 250% and this is too high.

TALBERT.

Mr. Roark offered the following amendment to the amendment as substituted:

Amend the amendment to House Bill No. 6, by adding the following:

"Provided that wells producing ten (10) barrels of oil or less each twenty-four-hour day shall bear a tax not to exceed two and three-fourths (2¾) cents per barrel of forty-two (42) standard gallons, or two and three-fourths (2¾) per cent of the gross value and shall be exempt from all taxes in excess of this amount."

ROARK,
PRESCOTT,
HARRIS of Archer,
MOFFETT.

On motion of Mr. Reed of Bowie, the above amendment was tabled.

Mr. Davisson of Eastland moved the previous question on the passage of House Bill No. 6 to engrossment, and the motion was duly seconded.

Question recurring on the motion for the main question, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—77

Adkins	Knetsch
Alexander	Leath
Blankenship	Leyendecker
Bond	Little
Boyer	Lucas
Bradford	Mays
Cagle	McCracken
Carssow	McKee
Cathey	McKinney
Celaya	Morse
Davis of Haskell	Newton
Davis of Jasper	Palmer
Davisson	Prescott
of Eastland	Ragsdale
Dean	Reader
Derden	Reed of Bowie
Dickison	Reed of Dallas
Dollins	Rhodes
Felty	Riddle
Fuchs	Roark
Gibson	Ross
Hankamer	Russell
Hanna	Schuenemann
Harbin	Settle
Hardin	Shell
Harper	Simpson
Harris of Dallas	Skaggs
Harris of Dickens	Smith of Hopkins
Hartzog	Stevenson
Heflin	Stinson
Hoskins	Stocks
Huddleston	Tennant
Hull	Thornton
Jackson	Vale
Johnson of Ellis	Waggoner
Johnson	Weldon
of Tarrant	Westbrook
Jones of Falls	Wood
Keefe	Worley
Kern	

Nays—55

Alsup	Broadfoot
Amos	Brown
Baker	Burton
Beckworth	Cauthorn
Bell	Cleveland
Boethel	Davison of Fisher
Bradbury	Deglandon
Bridgers	England

Fielden	McFarland
Graves	Metcalfe
Hamilton	Moffett
Harrell	Monkhouse
Harris of Archer	Morris
Holland	Patterson of Mills
Hyder	Patterson
Jones of Angelina	of Travis
Jones of Wise	Powell
Keith	Quinn
Kelt	Rutta
Kenyon	Sewell
King	Sharpe
Lankford	Smith
Lanning	of Matagorda
Loggins	Talbert
London	Tarwater
Mann	Tennyson
Mauritz	Thornberry
McConnell	Walker
McDonald	

Present—Not Voting

Herzik

Absent

Fox	Langdon
Howard	Oliver

Absent—Excused

Bates	Leonard
Callan	Nicholson
Colquitt	Petsch
Farmer	Pope
James	Smith of Tarrant
Jones of Atascosa	Winfree

Question recurring on the passage of House Bill No. 6 to engrossment, yeas and nays were demanded.

The roll of the House was called, and the vote announced, as follows:

Yeas, 67; nays, 65.

A verification of the vote was requested.

The roll of the "yeas" and "nays" was again called, and the verified vote resulted as follows:

Yeas—66

Adkins	Derden
Amos	Dickson
Bell	Dollins
Boethel	England
Bond	Fox
Brown	Graves
Burton	Hamilton
Cathey	Harbin
Davis of Haskell	Hardin
Davis of Jasper	Harper
Davison of Fisher	Harrell
Deglandon	Harris of Dickens

Herzik	Patterson of Mills
Holland	Patterson
Huddleston	of Travis
Johnson of Ellis	Powell
Jones of Wise	Prescott
Keefe	Ragsdale
Keith	Reader
Kelt	Reed of Bowie
Kern	Rhodes
Lankford	Ross
Lanning	Russell
Leyendecker	Sewell
Loggins	Sharpe
Lucas	Simpson
Mann	Skaggs
Mays	Smith of Hopkins
McDonald	Tarwater
McFarland	Thornberry
Morris	Waggoner
Newton	Weldon
Oliver	Westbrook
Palmer	

Nays—66

Alexander	King
Alsup	Knetsch
Baker	Leath
Beckworth	Little
Blankenship	London
Boyer	Mauritz
Bradbury	McConnell
Bradford	McCracken
Bridgers	McKee
Broadfoot	McKinney
Carssow	Metcalfe
Cauthorn	Moffett
Celaya	Monkhouse
Cleveland	Morse
Davisson	Quinn
of Eastland	Reed of Dallas
Dean	Riddle
Felty	Roark
Fielden	Rutta
Fuchs	Schuenemann
Gibson	Settle
Hankamer	Shell
Hanna	Smith
Harris of Archer	of Matagorda
Harris of Dallas	Stevenson
Hartzog	Stinson
Heflin	Stocks
Hoskins	Talbert
Hull	Tennant
Hyder	Tennyson
Jackson	Thornton
Johnson	Vale
of Tarrant	Walker
Jones of Angelina	Worley
Kenyon	

Present—Not Voting

Wood

Absent

Cagle	Jones of Falls
Howard	Langdon

Absent—Excused

Bates	Leonard
Callan	Nicholson
Colquitt	Petsch
Farmer	Pope
James	Smith of Tarrant
Jones of Atascosa	Winfree

PAIRED

Mr. Wood (present), who would vote "nay", with Mr. Langdon (absent), who would vote "yea".

The Speaker announced that House Bill No. 6 failed to pass to engrossment.

REASON FOR VOTE

I voted "aye" on the engrossment of House Bill No. 6 in order to enable me to move to reconsider.

McFARLAND.

Mr. Baker moved to reconsider the vote by which House Bill No. 6 failed to pass to engrossment.

Mr. Riddle moved to table the motion to reconsider.

Question first recurring on the motion to table, it was lost.

Question then recurring on the motion to reconsider the vote by which House Bill No. 6 failed to pass to engrossment, it prevailed.

Question—Shall House Bill No. 6 pass to engrossment?

Mr. McKinney moved that House Bill No. 6 be recommitted to the Committee on Revenue and Taxation, with instruction to the Committee to report a bill with a tax of less than ten cents per barrel on oil.

Mr. Sharpe moved to table the motion to recommit.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—71

Adkins	Davis of Haskell
Amos	Davis of Jasper
Beckworth	Davison of Fisher
Bell	Deglandon
Boethel	Derden
Bradbury	Dickison
Bridgers	England
Brown	Fielden
Burton	Fox
Cagle	Graves
Cathey	Hamilton
Cleveland	Harbin

Hardin	Oliver
Harper	Palmer
Harrell	Patterson of Mills
Holland	Patterson
Johnson of Ellis	of Travis
Jones of Angelina	Powell
Jones of Wise	Prescott
Keefe	Ragsdale
Keith	Reader
Kelt	Reed of Bowie
Kern	Rhodes
King	Russell
Knetsch	Rutta
Lankford	Sewell
Lanning	Sharpe
Loggins	Simpson
London	Skaggs
Lucas	Smith of Hopkins
Mauritz	Talbert
Mays	Thornberry
McDonald	Waggoner
Monkhouse	Weldon
Morris	Westbrook
Newton	Wood

Nays—51

Alsup	Leyendecker
Blankenship	Little
Boyer	McConnell
Bradford	McCracken
Broadfoot	McFarland
Carssow	McKee
Cauthorn	McKinney
Celaya	Metcalfe
Davisson	Moffett
of Eastland	Morse
Dean	Quinn
Felty	Reed of Dallas
Gibson	Schuenemann
Hankamer	Settle
Hanna	Shell
Harris of Archer	Smith
Harris of Dallas	of Matagorda
Harris of Dickens	Stevenson
Hartzog	Stinson
Heflin	Stocks
Howard	Tarwater
Hull	Tennant
Jackson	Tennyson
Johnson	Thornton
of Tarrant	Vale
Kenyon	Walker
Leath	Worley

Present—Not Voting

Herzik	Roark
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Absent

Alexander	Fuchs
Baker	Hoskins
Bond	Huddleston
Dollins	Hyder

Jones of Falls
Langdon
Mann

Riddle
Ross

Absent—Excused

Bates
Callan
Colquitt
Farmer
James
Jones of Atascosa

Leonard
Nicholson
Petsch
Pope
Smith of Tarrant
Winfree

Mr. Morse moved that the House recess to 7:30 o'clock p. m., today.

Question recurring on the motion to recess to 7:30 o'clock p. m., today, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—54

Alexander	Johnson
Blankenship	of Tarrant
Boethel	Kenyon
Boyer	Lanning
Bradford	Leath
Cagle	Leyendecker
Carssow	Little
Cathey	McConnell
Cauthorn	McCracken
Celaya	McFarland
Davisson	McKee
of Eastland	McKinney
Dean	Metcalf
Dollins	Morse
Felty	Quinn
Gibson	Reed of Dallas
Hankamer	Riddle
Hanna	Schuenemann
Harris of Archer	Shell
Harris of Dallas	Stevenson
Hartzog	Stinson
Heflin	Tennant
Howard	Tennyson
Huddleston	Thornton
Hull	Vale
Hyder	Walker
Jackson	Wood
Johnson of Ellis	Worley

Nays—73

Adkins	Davison of Fisher
Alsup	Deglandon
Amos	Derden
Baker	Dickison
Beckworth	England
Bell	Fielden
Bradbury	Fox
Bridgers	Graves
Brown	Hamilton
Burton	Harbin
Cleveland	Hardin
Davis of Haskell	Harper
Davis of Jasper	Harrell

Harris of Dickens
Herzik
Holland
Jones of Angelina
Jones of Wise
Keefe
Keith
Kelt
Kern
King
Knetsch
Lankford
Loggins
London
Lucas
Mauritz
Mays
McDonald
Moffett
Monkhouse
Morris
Newton
Oliver
Palmer

Patterson
of Travis
Powell
Prescott
Ragsdale
Reader
Reed of Bowie
Rhodes
Roark
Russell
Rutta
Settle
Sewell
Sharpe
Simpson
Skaggs
Smith of Hopkins
Smith
of Matagorda
Talbert
Tarwater
Thornberry
Wagoner
Weldon
Westbrook

Absent

Bond	Langdon
Broadfoot	Mann
Fuchs	Patterson of Mills
Hoskins	Ross
Jones of Falls	Stocks

Absent—Excused

Bates	Leonard
Callan	Nicholson
Colquitt	Petsch
Farmer	Pope
James	Smith of Tarrant
Jones of Atascosa	Winfree

Question then recurring on the amendment by Mr. Roark, as substituted by amendment by Mr. Graves, yeas and nays were demanded.

The amendment, as substituted, was adopted by the following vote:

Yeas—78

Adkins	Cleveland
Amos	Davis of Haskell
Baker	Davis of Jasper
Beckworth	Davison of Fisher
Bell	Deglandon
Boethel	Derden
Bradbury	Dickison
Bridgers	Dollins
Broadfoot	England
Brown	Fielden
Burton	Fox
Cagle	Fuchs
Cathey	Graves
Cauthorn	Hamilton

Harbin	Oliver
Hardin	Patterson of Mills
Harper	Patterson
Harrell	of Travis
Harris of Dickens	Powell
Herzik	Prescott
Holland	Quinn
Huddleston	Ragsdale
Jones of Angelina	Reader
Jones of Wise	Reed of Bowie
Keefe	Rhodes
Keith	Russell
Kelt	Rutta
Kern	Schuenemann
King	Sewell
Knetsch	Sharpe
Lankford	Simpson
Leyendecker	Skaggs
London	Smith of Hopkins
Lucas	Smith
Mauritz	of Matagorda
Mays	Talbert
McDonald	Thornberry
Metcalfe	Waggoner
Monkhouse	Weldon
Morris	Westbrook

Nays—52

Alexander	Lanning
Alsup	Leath
Blankenship	Little
Boyer	Loggins
Bradford	Mann
Carssow	McConnell
Celaya	McCracken
Davisson	McFarland
of Eastland	McKee
Dean	McKinney
Felty	Moffett
Gibson	Morse
Hankamer	Newton
Hanna	Reed of Dallas
Harris of Archer	Riddle
Harris of Dallas	Roark
Hartzog	Settle
Heflin	Shell
Hoskins	Stevenson
Howard	Stinson
Hull	Tarwater
Hyder	Tennant
Jackson	Tennyson
Johnson of Ellis	Thornton
Johnson	Vale
of Tarrant	Walker
Kenyon	Worley

Present—Not Voting

Wood

Absent

Bond	Palmer
Jones of Falls	Ross
Langdon	Stocks

Absent—Excused

Bates	Leonard
Callan	Nicholson
Colquitt	Petsch
Farmer	Pope
James	Smith of Tarrant
Jones of Atascosa	Winfree

PAIRED

Mr. Wood (present), who would vote "nay", with Mr. Langdon (absent), who would vote "yea".

Mr. Sharpe moved to reconsider the vote by which the amendment, as substituted, was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Lanning offered the following amendment to the bill:

Amend House Bill No. 6, as follows:

Strike out, Section 2 (1a) and insert as follows:

"There is hereby levied an occupation tax on oil production within this State of two and three-fourths (2¾c) cents per barrel of 42 standard gallons from oil wells that produce five barrels or less of oil per day. A tax of 3½ cents per barrel from wells that produce in excess of five barrels and less than 15 barrels per day. A tax of four cents (4c) per barrel from wells that produce in excess of 15 barrels per day. Provided, however, that the occupation tax herein levied on oil shall be the same per cent as the specified tax is per barrel when the market value of said oil is in excess of One Dollar (\$1.00) per barrel of forty-two (42) standard gallons.

"The daily production of each well shall be computed by taking the aggregate monthly production or the fraction thereof the well production divided by the number of days in the month or the number of days the well produces. The production report of each well shall be sworn under oath at the end of each month and said report shall be presented to the Comptroller.

"Any producer, individual, partnership, corporation or association that refuses to make this report or makes an untrue statement in such report shall be subject to a fine of Five Hundred (\$500.00) Dollars or one year in jail on each separate offense."

LANNING,
MOFFETT,
HARRIS of Archer.

Mr. Broadfoot moved that the House recess to 7:30 o'clock p. m., today.

Question recurring on the motion to recess to 7:30 o'clock p. m., today, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—53

Alexander	Kern
Beckworth	Leath
Blankenship	Leyendecker
Boethel	Little
Boyer	Mann
Bradford	McCracken
Broadfoot	McFarland
Cagle	McKee
Cauthorn	McKinney
Celaya	Moffett
Davisson	Monkhouse
of Eastland	Morse
Dean	Quinn
Dollins	Reed of Dallas
Felty	Riddle
Gibson	Schuenemann
Hanna	Settle
Harper	Simpson
Harris of Archer	Stevenson
Harris of Dallas	Stinson
Hartzog	Stocks
Heflin	Talbert
Howard	Tennant
Hull	Thornton
Hyder	Vale
James	Walker
Johnson	Worley
of Tarrant	

Nays—72

Adkins	Harrell
Alsup	Holland
Amos	Hoskins
Baker	Jackson
Bell	Johnson of Ellis
Bond	Jones of Angelina
Bradbury	Jones of Wise
Bridgers	Keefe
Brown	Keith
Burton	Kelt
Carssow	King
Cleveland	Knetsch
Davis of Haskell	Lankford
Davis of Jasper	Lanning
Davison of Fisher	Loggins
Deglandon	London
Derden	Lucas
Dickison	Mauritz
England	Mays
Fielden	McConnell
Graves	McDonald
Hamilton	Metcalfe
Harbin	Morris
Hardin	Newton

Oliver	Sewell
Palmer	Sharpe
Patterson of Mills	Shell
Patterson	Skaggs
of Travis	Smith of Hopkins
Powell	Smith
Prescott	of Matagorda
Ragsdale	Tarwater
Reader	Thornberry
Reed of Bowie	Waggoner
Rhodes	Weldon
Roark	Westbrook
Russell	Wood

Present—Not Voting

Herzik

Absent

Cathey	Jones of Falls
Fox	Kenyon
Fuchs	Langdon
Hankamer	Ross
Harris of Dickens	Rutta
Huddleston	Tennyson

Absent—Excused

Bates	Nicholson
Callan	Petsch
Colquitt	Pope
Farmer	Smith of Tarrant
Jones of Atascosa	Winfree
Leonard	

Mr. Leath offered the following amendment to the amendment by Mr. Lanning:

"Amend the amendment above 15 barrels to be 5 cents per barrel instead of 4 cents per barrel."

Mr. Sharpe offered the following substitute for the amendment by Mr. Leath:

"Amend amendment at where oil produced 15 barrels or over at 4 cents to be raised to 6 cents per barrel."

Mr. Leath moved to table the substitute amendment.

The motion to table was lost.

Mr. Mays moved to table the above amendment by Mr. Lanning.

The motion to table prevailed.

Mr. Graves offered the following amendment to the bill:

Amend House Bill No. 6, Section 2, line 24, by changing the words and figures, "ten (10) per cent" to read "six (6) per cent."

The amendment was adopted.

Mr. Fielden offered the following amendment to the bill:

Amend Section 2, subsection 1 (a) of House Bill No. 6 so that the same shall hereafter read, as follows:

"Section 2, (1 a). There is hereby levied an occupation tax on oil produced in this State of 6 per cent of the market value of said oil, provided, however, the occupation tax herein levied on the oil shall in no event be less than two and three-fourths cents (2¾c) per barrel of forty-two (42) standard gallons."

FIELDEN,
SMITH of Hopkins,
METCALFE.

On motion of Mr. Palmer, the amendment was tabled.

Mr. Keefe offered the following amendment to the bill:

Amend House Bill No. 6, by inserting a new section after Section 6 to read as follows:

"Provided, however, that oil produced from stripper wells (wells as hereinafter defined) shall be exempt from a tax in excess of two and three-fourths (2¾c) cents per barrel of 42 standard gallons."

A stripper well, for the purpose of this Act, is any pumping well within State having a daily capacity for production of five (5) barrels or less per day, averaged over the preceding thirty (30) days.

KEEFE,
MOFFETT,
LANNING.

On motion of Mr. Derden, the amendment was tabled.

Mr. Keefe offered the following amendment to the bill:

Amend House Bill No. 6, Section 7, line 39, by striking out beginning with the words "three-fourths" to the end of Section 7 and inserting in lieu thereof the following: "and one-fourth of such taxes when and as received by the Comptroller shall be paid to the State Treasurer to be to the credit of the Old Age Assistance Fund, and one-half of such taxes when and as received by the Comptroller shall be paid to the State Treasurer to be to the credit of the General Revenue Fund."

KEEFE,
ALSUP.

Mr. Harris of Archer moved that the House recess to 7:30 o'clock p. m., today.

Question recurring on the motion to recess to 7:30 o'clock p. m., today, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—50

Alexander	Little
Blankenship	Mann
Boethel	McCracken
Bond	McFarland
Boyer	McKee
Bradford	McKinney
Cathey	Metcalfe
Davisson	Moffett
of Eastland	Morris
England	Morse
Felty	Prescott
Gibson	Quinn
Hankamer	Reed of Dallas
Hanna	Riddle
Harris of Archer	Roark
Harris of Dallas	Russell
Hartzog	Schuenemann
Heflin	Settle
Howard	Stevenson
Hyder	Stinson
Johnson	Tennant
of Tarrant	Tennyson
Kenyon	Thornton
King	Vale
Lanning	Walker
Leath	Worley

Nays—77

Adkins	Harris of Dickens
Alsup	Holland
Amos	Huddleston
Baker	Jackson
Beckworth	Johnson of Ellis
Bell	Jones of Angelina
Bradbury	Jones of Wise
Bridgers	Keefe
Broadfoot	Keith
Brown	Kelt
Burton	Kern
Cagle	Knetsch
Carssow	Lankford
Cauthorn	Leyendecker
Cleveland	Loggins
Davis of Haskell	London
Davis of Jasper	Lucas
Davison of Fisher	Mauritz
Deglandon	Mays
Derden	McConnell
Dickison	McDonald
Dollins	Monkhouse
Fielden	Newton
Fox	Oliver
Graves	Palmer
Hamilton	Patterson of Mills
Harbin	Patterson
Harper	of Travis
Harrell	Powell

Ragsdale	Smith
Reader	of Matagorda
Reed of Bowie	Stocks
Rhodes	Talbert
Ross	Tarwater
Rutta	Thornberry
Sewell	Waggoner
Sharpe	Weldon
Simpson	Westbrook
Skaggs	Wood
Smith of Hopkins	

Present—Not Voting

Herzik

Absent

Celaya	Hull
Dean	Jones of Falls
Fuchs	Langdon
Hardin	Shell
Hoskins	

Absent—Excused

Bates	Leonard
Callan	Nicholson
Colquitt	Petsch
Farmer	Pope
James	Smith of Tarrant
Jones of Atascosa	Winfree

Mr. Graves offered the following substitute for the amendment by Mr. Keefe:

Amend House Bill No. 6, by changing the allocation to read one-fourth to the General Fund and one-half to the Old Age Assistance Fund.

GRAVES,
HOLLAND,
FIELDEN.

The substitute amendment was adopted.

Question recurring on the amendment, as substituted, it was adopted.

Mr. Worley offered the following amendment to the bill:

Amend House Bill No. 6, by adding after the word "pension" in subsection (7) in Section 2, the following: "and to care for the dependent crippled children and blind."

Mr. Alsup raised a point of order, on further consideration of the amendment by Mr. Worley, on the ground that the amendment is vague and indefinite, and is of no import inasmuch as there is no Statute providing assistance to be used for the blind.

The Speaker overruled the point of order.

Mr. Alsup moved to table the amendment by Mr. Worley.

The motion to table prevailed.

Mr. Reader moved the previous question on the passage of House Bill No. 6 to engrossment, and the main question was ordered.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 6 was then passed to engrossment by the following vote:

Yeas—78

Adkins	King
Amos	Knetsch
Baker	Lankford
Beckworth	Lanning
Bell	Leyendecker
Boethel	Loggins
Bradbury	Lucas
Bridgers	Mauritz
Broadfoot	Mays
Brown	McDonald
Burton	Metcalfe
Cathey	Monkhouse
Cauthorn	Morris
Cleveland	Newton
Davis of Haskell	Oliver
Davis of Jasper	Palmer
Davison of Fisher	Patterson of Mills
Deglandon	Patterson
Derden	of Travis
Dickison	Powell
Dollins	Prescott
England	Ragsdale
Fox	Reader
Fuchs	Reed of Bowie
Graves	Rhodes
Hamilton	Ross
Harbin	Russell
Hardin	Rutta
Harper	Sewell
Harrell	Sharpe
Harris of Dickens	Simpson
Herzik	Skaggs
Holland	Smith of Hopkins
Huddleston	Stocks
Hyder	Talbert
Johnson of Ellis	Thornberry
Jones of Angelina	Waggoner
Jones of Wise	Weldon
Keefe	Westbrook
Kelt	

Nays—51

Alexander	Felty
Alsup	Fielden
Blankenship	Gibson
Boyer	Hankamer
Bradford	Hanna
Carssow	Harris of Archer
Davisson	Harris of Dallas
of Eastland	Hartzog

Heflin	Morse	Yeas—80	
Hoskins	Quinn		
Howard	Reed of Dallas	Adkins	King
Hull	Riddle	Alsup	Knetsch
Jackson	Roark	Amos	Lankford
Johnson	Schuenemann	Baker	Lanning
of Tarrant	Settle	Beckworth	Leyendecker
Keith	Shell	Bell	Loggins
Kenyon	Smith	Boethel	Lucas
Leath	of Matagorda	Bradbury	Mauritz
Little	Stevenson	Bridgers	Mays
London	Stinson	Broadfoot	McConnell
Mann	Tarwater	Brown	McDonald
McConnell	Tennant	Burton	Metcalfe
McCracken	Tennyson	Cathey	Monkhouse
McFarland	Thornton	Cauthorn	Morris
McKee	Vale	Celaya	Newton
McKinney	Walker	Cleveland	Oliver
Moffett	Worley	Davis of Haskell	Palmer
		Davis of Jasper	Patterson of Mills
		Davison of Fisher	Patterson
		Deglandon	of Travis
		Derden	Powell
		Dickison	Prescott
		Dollins	Ragsdale
		England	Reader
		Fox	Reed of Bowie
		Fuchs	Rhodes
		Graves	Ross
		Hamilton	Russell
		Harbin	Rutta
		Hardin	Sewell
		Harper	Sharpe
		Harrell	Simpson
		Harris of Dickens	Skaggs
		Herzik	Smith of Hopkins
		Holland	Stocks
		Huddleston	Talbert
		Johnson of Ellis	Thornberry
		Jones of Angelina	Waggoner
		Jones of Wise	Weldon
		Keefe	Westbrook
		Kelt	
			Nays—49
		Alexander	Jackson
		Blankenship	Johnson
		Boyer	of Tarrant
		Bradford	Keith
		Carssow	Kenyon
		Davisson	Leath
		of Eastland	Little
		Felty	London
		Fielden	Mann
		Gibson	McCracken
		Hankamer	McFarland
		Hanna	McKee
		Harris of Archer	McKinney
		Harris of Dallas	Moffett
		Hartzog	Morse
		Heflin	Quinn
		Hoskins	Reed of Dallas
		Howard	Riddle
		Hull	Roark
		Hyder	Schuenemann

Present—Not Voting

Bond Wood

Absent

Cagle Jones of Falls
Celaya Kern
Dean Langdon

Absent—Excused

Bates Leonard
Callan Nicholson
Colquitt Petsch
Farmer Pope
James Smith of Tarrant
Jones of Atascosa Winfree

PAIRED

Mr. Bond (present), who would vote "yea", with Mr. Leonard (absent), who would vote "nay".

Mr. Wood (present), who would vote "nay", with Mr. Langdon (absent), who would vote "yea".

Mr. Lucas moved to reconsider the vote by which House Bill No. 6 was passed to engrossment, and to table the motion to reconsider.

The motion to table prevailed.

MOTION TO TAKE UP HOUSE BILL NO. 6

Mr. Reed of Bowie moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 6 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Settle	Tennant
Shell	Tennyson
Smith	Thornton
of Matagorda	Vale
Stinson	Walker
Tarwater	Worley

Present—Not Voting

Bond	Wood
------	------

Absent

Cagle	Kern
Dean	Langdon
Jones of Falls	Stevenson

Absent—Excused

Bates	Leonard
Callan	Nicholson
Colquitt	Petsch
Farmer	Pope
James	Smith of Tarrant
Jones of Atascosa	Winfree

PAIRED

Mr. Bond (present), who would vote "yea", with Mr. Leonard (absent), who would vote "nay".

Mr. Wood (present), who would vote "nay", with Mr. Langdon (absent), who would vote "yea".

REASONS FOR VOTE

The record on House Bill No. 6 reflects that, until the rejection of the Keefe-Alsup amendment, I voted consistently in favor of the bill. Thereafter, I voted against it.

My votes in favor of the bill were induced by representations that the faction of the House advocating a "reliberalized" old age assistance law would accept the Keefe-Alsup amendment as a satisfactory compromise.

The rejection of the Keefe-Alsup amendment, and the subsequent adoption of the Graves substitute, combine to produce these results:

"First—It makes a greater deficit in the General Revenue Fund a certainty. Such fund now is receiving about Eight Million Dollars annually. Despite the increased rate of taxation, such fund will receive only about Six Million Dollars yearly under the Graves substitute, thereby placing this fund in worse condition than before.

"Second—It places too great a burden on a single industry for the benefit of a single class."

KEITH.

I voted to table amendments to House Bill No. 6 which attempted to

tax crude oil by the gross production. Having a number of small wells in my district, it is not my purpose to impose a tax upon them as heavily as upon large producing wells but being informed that the courts have ruled on a case of this nature, declaring that it was unconstitutional to levy a tax upon oil by a graduated gross production and by exempting stripper wells would be discrimination; therefore, to be fair, I deemed it best to levy the tax on a uniform basis, and prevent the whole bill from being declared unconstitutional.

LOGGINS.

RECESS

On motion of Mr. Johnson of Ellis, the House at 5:30 o'clock p. m., took recess to 7:30 o'clock p. m., today.

NIGHT SESSION

The House met at 7:30 o'clock p. m., and was called to order by the Speaker.

SENATE BILL NO. 374 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 374, A bill to be entitled "An Act to amend Subsection (d) of Section 19 of Senate Bill No. 5, Forty-fourth Legislature, First Called Session, Acts, 1935, Chapter 465, and to include therein provision for compensation of county commissioners in counties having a population in excess of 355,000 inhabitants, according to the last preceding or any future Federal Census, and declaring an emergency."

The bill was read second time.

Mr. Morse offered the following amendments to the bill:

Amend Senate Bill No. 374, by adding thereto at the end of Section 1, two new sections to be known as Sections 1a and 1b, respectively:

"Section 1a. That subsection C of Section 19 of Senate Bill 5, Forty-fourth Legislature, First Called Session, Acts, 1925, Chapter 465, be and the same is hereby amended so as to hereafter read, as follows:

(c) The term "Precinct Officers" as used in this Section means justices of the peace and constables.

Such precinct officers shall continue to be compensated for their services on a fee basis until the Commissioners' Court shall have determined otherwise in accordance with the provisions of this Section.

The annual fees that may be retained by any such precinct officer shall be Four Thousand (\$4,000.00) Dollars, each; provided that in counties having a population in excess of 355,000 inhabitants, according to the last preceding or any future Federal Census, such precinct officers may retain not to exceed \$4,500.00 each.

All fees and commissions earned by such official shall be applied first to the payment of his deputies, authorized expenses of his office, and to make up the maximum provided for such officers.

All fees and commissions over and above the amount necessary to pay authorized expenses and deputies' salaries, and to make up the maximum compensation above provided for, shall be deemed excess fees, and all excess fees not permitted to be retained shall be paid into the General Fund of the county.

Delinquent fees may be used to defray the salaries of deputies if current fees are insufficient for that purpose; and may be used also to make up the maximum compensation, exclusive of excess fees, allowed to such officers for the fiscal year within which such fees were earned. Delinquent fees collected in excess of the amount above provided for shall be paid by the officer collecting the same into the General Fund of the county.

Precinct officers, as defined in this Section, shall be compensated after an order duly enacted by the Commissioners' Court as herein provided, on an annual salary basis from said Officer's Salary Fund; such salaries shall be fixed by the Commissioners' Court at a reasonable sum not to exceed Four Thousand (\$4,000.00) Dollars each; provided that in counties having a population in excess of 355,000 inhabitants, according to the last preceding or any future Federal Census, such salaries shall be fixed by the Commissioners' Court at a reasonable sum not to exceed \$4,500.00 each; provided further, that in such counties in which the Commissioners' Court determines to place justices of the peace and constables on a salary

basis, said Commissioners' Court shall not be required to place said salaries in all precincts within the county at equal amounts, but said Commissioners' Court shall have discretion to determine the amount of salary to be paid to each of said justices of the peace and to each of said constables in the several precincts in said counties within the limitations hereinabove set out. In counties where the Commissioners' Court determine to place the justices of the peace on a salary basis the justice of the peace shall receive in addition thereto all fees, commissions, or payments for performing marriage ceremonies and for acting as Registrar for the Board of Vital Statistics and when acting as Ex-Officio Notary Public."

"Section 1b. That subsection E, of Section 19 of Senate Bill No. 5, Forty-fourth Legislature, First Called Session, Acts, 1935, Chapter 465, be and the same is hereby amended so as to hereafter read, as follows:

(e) The Commissioners' Court of each county shall determine annually the salary to be paid to the county treasurer at a reasonable sum not to exceed Three Thousand Six Hundred (\$3,600.00) Dollars per annum; provided that in counties having a population in excess of 355,000 inhabitants, according to the last preceding or any future Federal Census, the salary to be paid to the county treasurer shall not exceed \$3,900.00 per annum. Said treasurer shall be allowed to appoint one (1) assistant at a reasonable salary not to exceed One Thousand Eight Hundred (\$1,800.00) Dollars per annum; and said court may allow one (1) additional assistant upon adequate proof of necessity at a reasonable salary not to exceed One Thousand Five Hundred (\$1,500.00) Dollars per annum. Said assistants shall be appointed by the Treasurer and shall take the usual oath of office and in addition thereto shall give such surety bond as may be required by the county treasurer or by the Commissioners' Court. Said assistants shall have authority to do and perform in the name of the treasurer such acts of a clerical or ministerial character as may be required of them by the county treasurer. The county treasurer may designate, subject to the approval of the Commissioners' Court, a named person to act for him

and in his stead when he shall be absent, unavoidably detained or incapacitated. The particulars justifying such appointment shall be placed before the Commissioners' Court and such court may require any proof in connection therewith desired. Upon approval of the court of the appointment of the person so designated and the recording of such appointment in the minutes of the court, thereupon such person may act for such treasurer during such period of absence, detention or incapacity; provided, however, that such appointment shall not become effective until such named person shall have given a surety bond in favor of the county and the county treasurer as their interests may appear and in such amounts as the Commissioners' Court may require.

Amend the caption to Senate Bill 374, by inserting in lieu of the words "subsection (d)" the following: subsections (d), (c) and (e)."

The amendments were severally adopted.

Senate Bill No. 374 was then passed to third reading.

HOUSE BILL NO. 38 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 38, A bill to be entitled "An Act amending Section 3, of Senate Bill No. 247, Chapter No. 158, page No. 400, Acts of the Regular Session of the Forty-third Legislature, 1933, as amended by House Bill No. 502, Chapter 121, page 328, Acts of the Regular Session of the Forty-fourth Legislature, empowering the Rehabilitation Division of the State Department of Education to take census, make surveys, and establish permanent records of crippled children; and to cooperate with the Department of Education in providing equipment for the instruction of same and providing for medical and surgical services by physicians and dentists approved by the State Board of Health and the minimum fees to be paid for such services; authorizing such Division to organize and supervise diagnostic clinics and to approve and select physicians, and dentists in certain cases; fixing qualifications thereof; authorizing such Divisions to select and designate hospitals ap-

proved by the Board of Control for the care of crippled children and do such other things necessary to accomplish purposes of this Act; providing the Board of Education may provide transportation, appliances, braces and other materials necessary in proper handling of crippled children; directing such Division to provide rules and regulations to be approved by the Department of Education for charges for hospital, medical, surgical, nursing and all other services contemplated in carrying out purposes of this Act; and limiting such charges, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 87 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 87, A bill to be entitled "An Act to amend Chapter 210, Acts of the Regular Session of the Forty-first Legislature, as amended by House Bill No. 4, Chapter 142, page 381, Acts of the Regular Session of the Forty-fourth Legislature, empowering the State Text Book Commission to adopt a multiple list of text books in German, Czech and French languages for use in high schools; commercial arithmetic, and bookkeeping in the English language, and also other high school texts on such other subjects for use in junior high schools as may be determined by a seven-ninths vote of said Commission; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 91 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 91, A bill to be entitled "An Act amending Article 7005, Title 121, Revised Civil Statutes of the State of Texas, as amended by the Acts of 1931, Forty-second Legislature, Regular Session, page 852, Chapter 360, Section 1, exempting Wilbarger County and others from the provision requiring the election of a hide and animal inspector, and other

provisions of Chapter 7, Title 121, Revised Civil Statutes of 1925, State of Texas, and declaring an emergency."

The bill was read second time.

Mr. Walker offered the following amendment to the bill:

Amend House Bill No. 91, by striking out all below the enacting clause, and inserting in lieu thereof the following:

"Section 1. Amend Article 7005, Title 121, Revised Civil Statutes of Texas, 1925, as heretofore amended by the Acts of 1933, Forty-third Legislature, Regular Session, page 636, Chapter 213, Section 1, so as to hereafter read as follows:

"Article 7005. —Counties exempt. The Counties of Anderson, Angelina, Aransas, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Borden, Bowie, Bosque, Brooks, Brazoria, Brazos, Brewster, Brown, Burleson, Burnet, Caldwell, Callahan, Calhoun, Camp, Carson, Cass, Chambers, Cherokee, Childress, Clay, Cochran, Coke, Collin, Collingsworth, Colorado, Comal, Comanche, Cooke, Coryell, Cottle, Crockett, Crosby, Dallam, Delta, Denton, Dewitt, Dickens, Donley, Eastland, Ellis, El Paso, Erath, Falls, Fannin, Fayette, Floyd, Foard, Fort Bend, Franklin, Freestone, Frio, Galveston, Garza, Gillespie, Goliad, Gonzales, Gray, Grayson, Gregg, Guadalupe, Hall, Hamilton, Hardeman, Harris, Harrison, Hartley, Hays, Hemphill, Henderson, Hidalgo, Hill, Hockley, Hood, Hopkins, Houston, Howard, Hunt, Irion, Jackson, Jack, Jasper, Jeff Davis, Jim Hogg, Johnson, Karnes, Kaufman, Kendall, Kenedy, Kleberg, Knox, Kinney, Lamar, Lamb, Lampasas, Lavaca, Leon, Limestone, Lipscomb, Live Oak, Llano, Loving, Lubbock, Lynn, Madison, Marion, Mason, Matagorda, Maverick, Medina, McLennan, Midland, Milam, Mills, Mitchell, Montague, Morris, Motley, Nacogdoches, Navarro, Newton, Nueces, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Pecos, Polk, Rains, Reagan, Red River, Refugio, Robertson, Rockwall, Rusk, Reeves, Sabine, San Augustine, San Patricio, Schleicher, Shelby, Smith, Shackelford, Somervell, Starr, Scurry, Stephens, Sterling, Tarrant, Terrell, Terry, Throckmorton, Titus, Tom Green, Trinity, Tyler, Uvalde, Upshur, Upton, Val Verde, Van Zandt, Victoria, Ward,

Washington, Wharton, Wheeler, Wilbarger, Willacy, Williamson, Wilson, Wise, Winkler and Young are hereby exempted from the provisions of this chapter, and from all laws regulating the inspection of hides and animals."

"Sec. 2. The importance of this legislation to the stock farming interest of Brooks, Hidalgo, Kenedy, Kleberg, Wilbarger, Willacy Counties and other Counties creates an emergency and an imperative necessity demanding that the Constitutional Rule requiring bills to be read on three several days be suspended and said Rule is hereby suspended and that this Act shall take effect and be in force from and after its final passage, and it is so enacted."

WALKER,
VALE,
LEONARD.

Mr. Walker offered the following amendment to the amendment:

Amend amendment to House Bill No. 91, by adding to Section 1 the Counties as follows: "Grimes, Montgomery, Webb, Zapata, Dimmit, Zavala."

LEYENDECKER,
MONKHOUSE.

The amendment was adopted.

Mr. Hankamer offered the following amendment to the amendment:

Amend amendment to House Bill No. 91, Section 1, by adding the Counties of "Culberson" and "Hudspeth" at the proper alphabetical place in said Section.

The amendment was adopted.

The amendment, as amended, was then adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 91 was then passed to engrossment.

HOUSE BILL NO. 105 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 105, A bill to be entitled "An Act requiring owners of real estate or other taxable property, or their agents or representatives in rendering same for ad valorem taxation to give the post office address of the owner or owners of said property at the time of such rendition; providing

a penalty for failure to render such property in the manner herein prescribed, and declaring an emergency."

The bill was read second time.

Mr. Quinn offered the following amendment to the bill:

Amend House Bill No. 105, Section 1, by adding at the end of Section 1:

"Providing that where land is held in the name of a trustee it shall only be necessary to give the name and postoffice address of the trustee."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 105 was then passed to engrossment.

HOUSE BILL NO. 113 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 113, A bill to be entitled "An Act to provide for a local option election in counties having 10,000 or more cattle, sheep and goats rendered for taxation to determine whether or not the qualified voters of such county desires to authorize the levy, assessment and collection of an annual tax on cattle, sheep and goats; providing for the method of levying, assessing and collecting such annual tax; and further providing for the deposit of the monies collected from such annual tax in a special fund to be known as 'The Domestic Livestock Protective Fund'; providing authority and requiring the Commissioner's Court of such county adopting the provisions of this Act to employ additional law enforcement officers, and fixing the compensation of such officers and the reports to be filed by them, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO 125 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 125, A bill to be entitled "An Act amending Article 5285, Revised Civil Statutes of 1925, so as to provide that Deputy County Surveyor

shall not be required to give a larger bond than the County Surveyor."

The bill was read second time.

Mr. Mauritz offered the following amendment to the bill:

Amend House Bill No. 125, by numbering the first paragraph in said Bill; Section Number 1, and by adding a new section to be known as Section Number 2, to read as follows:

"The fact that the present Law now requires that Deputy Surveyors execute bonds in excess of the amount of the bonds required of the Surveyors and the crowded condition of the Calendar creates an emergency and an imperative public necessity that the Constitutional Rule, requiring bills to be read on three several days in each House, be suspended and that this Act shall take effect and be in force from date after its passage and said Rule is hereby suspended, and it is so enacted."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 125 was then passed to engrossment.

HOUSE BILL NO. 127 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 127, A bill to be entitled "An Act to authorize payments of funds arising out of liquidated and uncontested claims in favor of minors, lunatics, idiots and non compos mentis and to provide for the disposition of such funds so paid and to define the duties of the person holding such funds; providing this Act shall be cumulative of all other laws on the same subject, and declaring an emergency."

The bill was read second time.

Mr. Thornton offered the following amendment to the bill:

Amend House Bill No. 127, by adding a new section to be known as Section 4A:

"Section 4A. When the person to whom said money has been paid by the County Clerk for the benefit of said minor, lunatic, idiot or non compos mentis, shall have expended said money for the benefit of said minor,

lunatic, idiot or non compos mentis as directed by the County Court or Judge thereof or shall have otherwise complied with the provisions of his aforesaid bond by accounting for said money and the increase thereof, if any, he shall file with the County Clerk from whom said money was received, his sworn report thereof; which report when so filed and approved by the County Court or Judge thereof shall operate as a discharge of said person and his sureties from any and all further liability under and by reason of the aforesaid bond. The County Court or Judge thereof shall satisfy himself that said report speaks the truth, and to that end may require said person to submit proof thereon."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 127 was then passed to engrossment.

HOUSE BILL NO. 145 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 145, A bill to be entitled "An Act amending Article 3902, Revised Civil Statutes of 1925, as amended by Chapter 465, Acts of the Second Called Session of the Forty-fourth Legislature, fixing the maximum compensation to be paid deputies, assistants and clerks, and the manner in which the same may be appointed and paid, by adding a new Section to be known as Section 4a, and providing that the Commissioner's Court in Counties having a population of sixty thousand and one (60,001) and not more than one hundred thousand (100,000) inhabitants, may, under certain conditions, allow first assistant or chief deputy or other assistant deputies or clerks, who are heads of departments, an additional sum of Three Hundred (\$300.00) Dollars, and declaring an emergency."

The bill was read second time.

Mr. Thornton offered the following amendment to the bill:

Amend House Bill No. 145, by striking out the words and figures "Three Hundred Dollars (\$300.00)", and insert in lieu thereof the words and

figures, "Two Hundred Dollars (\$200.00)".

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 145 was then passed to engrossment.

HOUSE BILL NO. 157 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 157, A bill to be entitled "An Act providing that in counties in this State having a population less than twenty-five thousand (25,000) inhabitants, according to the last preceding census, and having a tax valuation exceeding Sixty Million (\$60,000,000) Dollars, according to the last approved tax roll of said county, that the District Attorney or Criminal District Attorney in such a county is authorized to appoint a Special Assistant District Attorney or Special Criminal Assistant District Attorney; prescribing the powers and duties, both general and special, of said Assistant District Attorney or Assistant Criminal District Attorney; providing the amounts to be paid the said Assistant District Attorneys or Criminal Assistant District Attorneys as salaries; providing that said Assistant District Attorney or Assistant Criminal District Attorney shall be paid by warrants drawn upon the General Fund of such a county on certificate made by said District Attorney or Criminal District Attorney to the County Judge thereof, and declaring an emergency."

The bill was read second time.

Mr. Gibson offered the following amendments to the bill:

Amend House Bill No. 157, line 6, Section 1, by striking out the words "a Special Assistant District" and inserting in lieu thereof the word "the".

Amend House Bill No. 157, by striking out the words and figures "Sixty Million Dollars (\$60,000,000)" wherever they appear and inserting in lieu thereof the words and figures "Seventy-five Million Dollars (\$75,000,000)", and amend the caption accordingly.

The amendments were severally adopted.

House Bill No. 157 was then passed to engrossment.

HOUSE BILL NO. 76 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 76, A bill to be entitled "An Act amending Article 4667 of Title 76 of the Revised Civil Statutes of the State of Texas, 1925, and authorizing any citizen of the State of Texas to sue for injunction against bullfighting, in addition to the present authorization therefor by the Attorney General or any district or county attorney, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 176 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 176, A bill to be entitled "An Act amending Articles 2278 and 2282 of the 1925 Revised Civil Statutes of Texas, as heretofore amended, providing that parties in cases to be appealed may prepare and file agreed transcript of the pleading; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 205 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 205, A bill to be entitled "An Act to amend Article 2815a, Acts, 1927, Fortieth Legislature, page 124, Chapter 82, as amended by Chapter 26, Regular Session, Forty-fourth Legislature; Article 2815b, Acts, 1927, Fortieth Legislature, page 124, Chapter 82; Article 2815c, Acts, 1927, Fortieth Legislature, page 124, Chapter 82; Article 2815d, Acts, 1927, Fortieth Legislature, page 124, Chapter 82; Article 2815e, Acts, 1927, Fortieth Legislature, page 124, Chapter 82; Article 2815f, Acts, 1927, Fortieth Legislature, page 124, Chapter 82; Article 2815g, Acts, 1927, Fortieth Legislature, page 124, Chap-

ter 82, and Article 2815g-1, Acts 1931, Forty-second Legislature, page 812, Chapter 334, by adding thereto another Article to be known as Article 2815g-1a to be applicable to all counties in this State with a population of more than two hundred ninety thousand (290,000) and less than three hundred twenty thousand (320,000), according to the last preceding Federal Census; providing that the members of the County Board of School Trustees of such counties shall receive Five (\$5.00) Dollars per day for their services in attending meetings, inspecting schools and performing all other duties provided by law; provided further that such amount shall be paid out of the general fund of the county; and providing further that none of the above enumerated Articles, except Article 2815g-1a, shall apply or be applicable to counties of more than two hundred ninety thousand (290,000) and less than three hundred twenty thousand (320,000) population according to the last preceding Federal Census, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 213 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 213, A bill to be entitled "An Act amending Article 4725 of the Revised Civil Statutes of 1925, as amended by Acts, 1935, Forty-fourth Legislature, page 28, Chapter 10; designating the securities in which the funds of life insurance companies may be invested; providing that life insurance companies may invest funds in interest bearing notes or bonds of the University of Texas, and declaring an emergency."

The bill was read second time.

Mr. Stinson offered the following amendments to the bill:

Amend House Bill No. 213, Section 2, page 2, line 15, by striking out the word "is", and insert in lieu thereof the word "has".

Amend House Bill No. 213, Section 2, page 2, line 17, by inserting the word "upon" after the word "or", and before the word "any" in line 17.

The amendments were severally adopted.

House Bill No. 213 was then passed to engrossment.

HOUSE BILL NO. 214 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 214, A bill to be entitled "An Act amending Article 5006 of the Revised Civil Statutes of 1925, as amended by Acts, 1935, Forty-fourth Legislature, page 22, designating the securities in which the funds of general casualty companies may be invested; providing that general casualty companies may invest funds in interest bearing notes or bonds of the University of Texas, and declaring an emergency."

The bill was read second time.

Mr. Stinson offered the following committee amendment to the bill:

Amend House Bill No. 214, as follows:

Amend Section 2, line 1, by striking out the word "Texas", and insert in lieu thereof the word "General".

The amendment was adopted.

Mr. Stinson offered the following amendment to the bill:

Amend House Bill No. 214, Section 1, subsection (e), line 13, page 2, by inserting a comma (,) after the word "mortgage", and before the word "stock".

The amendment was adopted.

House Bill No. 214 was then passed to engrossment.

HOUSE BILL NO. 221 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 221, A bill to be entitled "An Act to amend Article 1302, Chapter 1, Title 32 of the Revised Statutes of 1925, by adding thereto Section 99, so as to provide for the creation of private corporations for the purpose of producing, mining, manufacturing, buying and selling of building materials of all kinds."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 244 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 244, A bill to be entitled "An Act granting M. L. Barrett of Bell County, Texas, permission to bring suit against the State of Texas and the State Highway Department, in the District Court of Bell County, Texas, for damages sustained to his property by the construction of road bed and culvert adjacent to his land upon highway number two in Bell County, Texas; impounding water on his land, washing and destroying his farm; providing that such suit may be filed within two (2) years after this Act takes effect; providing for the method of serving process and for procedure governing the trial and determination of such suit, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 263 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 263, A bill to be entitled "An Act to exempt from taxation the property owned or used exclusively and reasonably necessary in conducting any association engaged in promoting threefold religious, educational and physical development of boys and girls, young men and young women, operating under a State or national organization of like character, and all endowment funds of such institutions, and declaring an emergency."

The bill was read second time.

Mr. Stinson offered the following committee amendment to the bill:

Amend House Bill No. 263, by striking out all of Section 1 and inserting in lieu thereof the following:

"Section 1.—That all buildings used exclusively and owned by persons or associations of persons for school purposes, and the necessary furniture of all schools and property used exclusively and reasonably necessary in conducting any association engaged in promoting the religious, educational and physical development of boys, girls, young men or young women, op-

erating under a State or National organization of like character; also the endowment funds of such institutions of learning and religion not used with the view to profit; and when the same are invested in bonds or mortgages, or in land or other property which has been and shall hereafter be bought in by such institutions under foreclosure sales made to satisfy or protect such bonds or mortgages shall be exempt from taxation; provided, that such exemption of such land and property bought in by such institutions under foreclosure sales made to satisfy or protect such bonds or mortgages shall continue only for two years after the purchase of the same at such sale by such institutions and no longer."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 263 was then passed to engrossment.

HOUSE BILL NO. 298 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 298, A bill to be entitled "An Act requiring any person using any trap or similar device to take any of the birds or animals of this State, upon the private lands of another person in Henderson County, to first obtain and have in his possession a written permit; providing other necessary regulations pertaining to the obtaining of such permit; providing that the failure to have in possession such valid permit shall be prima facie evidence of guilt; providing a suitable penalty for violation of any provision of this Act; providing that it shall be the duty of any peace officer operating in any county affected by the provisions of this Act to enforce the provisions of this Act and repealing all laws in so far as they conflict with any provision of this Act."

The bill was read second time.

Mr. Lucas offered the following amendment to the bill:

Amend House Bill No. 298, Section No. 4, line three, by inserting between the words "Act" and "be" the following: "Insofar as they relate to Henderson County".

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 298 was then passed to engrossment.

HOUSE BILL NO. 317 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 317, A bill to be entitled "An Act amending Article 2700 of the Revised Civil Statutes of Texas, 1925, increasing the allowance for office and traveling expenses for county superintendent of Hunt County to not exceeding \$600.00 per annum, and declaring an emergency."

The bill was read second time.

Mr. Lankford offered the following committee amendments to the bill:

Amend House Bill No. 317, by striking out all below the enacting clause of House Bill No. 317, and substitute in lieu thereof, the following:

"Section 1. In all counties containing a population of not less than 49,000 nor more than 49,025, according to the last preceding Federal Census, the County Superintendent shall receive from the Available School Funds of their respective counties for office and traveling expenses a sum not to exceed Six Hundred (\$600.00) Dollars per annum.

"Section 2. The fact that under the present law the maximum allowed to County Superintendents in the counties above mentioned is fixed at Three Hundred (\$300.00) Dollars per annum, and the further fact that such sum is greatly inadequate and hampers such superintendents in the discharge of their duties and creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

Amend House Bill No. 317, by striking out all above enacting clause and insert the following:

"A BILL

To Be Entitled

An Act increasing the allowance for office and traveling expenses for

County Superintendents in all counties containing a population according to the last preceding Federal Census of not less than 49,000, nor more than 49,025, and declaring an emergency."

The amendments were severally adopted.

House Bill No. 317 was then passed to engrossment.

HOUSE BILL NO. 324 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 324, A bill to be entitled "An Act requiring any person hunting any quail outside of the county of his residence upon the private lands of another person in Henderson County, to first obtain and have in his possession a written permit; providing that the provisions shall not apply where such person is so hunting in company with the owner or agent of such lands; providing other necessary regulations pertaining to the obtaining of such permit; providing that the failure to have in possession such valid permit shall be prima facie evidence of guilt; providing a suitable penalty for violation of any provision of this Act; providing that it shall be the duty of any peace officer operating in any county affected by the provisions of this Act to enforce the provisions of this Act and repealing all laws in so far as they conflict with any provision of this Act."

The bill was read second time.

Mr. McKee offered the following amendment to the bill:

Amend House Bill No. 324, Section 4, line 3, by inserting between the words "Act" and "be" the following: "Insofar as they relate to Henderson County".

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 324 was then passed to engrossment.

HOUSE BILL NO. 359 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 359, A bill to be entitled "An Act giving to W. N. Smith, for himself, and as next friend of Carl Smith, minor, of Chambers County, Texas, consent of the Legislature to file and prosecute a suit against the State of Texas and/or the State Highway Commission in a court of competent jurisdiction in order to determine what compensation, if any, he, the said W. N. Smith, as father of said Carl Smith, are entitled to receive by reason of injury sustained by said Carl Smith, minor, while an employee of the State Highway Commission, and providing that the State and/or said Commission may appeal from said judgment as provided by law without executing any bond, and upon final judgment being recovered against the State and/or State Highway Commission, the same shall be paid out of the State Highway funds, and providing that service in said cause shall be had by citing the Chairman of the Highway Commission, and Attorney General, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO 360 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 360, A bill to be entitled "An Act giving to Mrs. James Steel, a feme sole, consent of the Legislature to file and prosecute a suit against the State of Texas and/or the State Highway Commission in a court of competent jurisdiction, in order to determine what compensation, if any, she, the said Mrs. James Steel, is entitled to receive by reason of damage done to her sixty (60) acre farm by the Highway Department of the State of Texas in digging a certain large ditch or canal across same without first securing an easement therefor, or digging same in a place and in a manner contrary to that provided for in condemnation proceedings, and providing that the State of Texas and/or said Highway Commission may appeal from said judgment as provided by law without executing any bond, and upon final judgment being recovered against the State and/or Highway Commission, the same shall be paid out of the State Highway funds, and providing that

service in said cause shall be had by citing the Chairman of the Highway Commission and the Attorney General, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 366 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 366, A bill to be entitled "An Act granting to the departments at law, the heirs and legal representatives of Milton Matkins, deceased, permission to bring suit against the State of Texas and/or the State Highway Department, and/or Angelina County, Texas, in the District Court of Shelby County, Texas, for damages sustained by reason of the death of Milton Matkins, for damages for the conscious suffering which he sustained after the injury but before his death, and for damages by way of medical services and funeral bills incurred, all on account of the negligence of the employees of the State Highway Department and/or Angelina County, Texas; providing for place of venue; providing that such suit may be filed within two years after this Act takes effect; providing for the method of serving process and for procedure governing the trial and determination of such suit; recognizing the liability of the State of Texas and making appropriation for the payment of such judgment, if, as and when finally obtained; providing for the method of compromising and settling such claims, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 367 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 367, A bill to be entitled "An Act granting to Mrs. Mary Esther Ramsey, and the legal representatives of the estate of Virgie Ramsey, deceased, permission to bring suit against the State of Texas, and/or the State Highway Department, and/or Angelina County, Texas, in the District Court of Shelby County, Texas,

for damages sustained by reason of the death of Virgie Ramsey, deceased, and for damages sustained to her automobile, and for damages sustained by reason of funeral expenses incurred, on account of the negligence of employees of the State Highway Department and/or Angelina County, Texas; providing for place of venue; providing that such suit may be filed within two years after this Act takes effect; providing for the method of serving process and for procedure governing the trial and determination of such suit; recognizing the liability of the State of Texas and making appropriation for the payment of such judgment, if, as and when finally obtained; providing for the method of compromising and settling such claims, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 370 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 370, A bill to be entitled "An Act granting to R. L. Gillespie permission to bring suit against the State of Texas and/or the State Highway Department, and/or Angelina County, Texas, in the District Court of Shelby County, Texas, for damages sustained by reason of the injuries, pain and suffering, past, present and future, medical expenses, past, present and future, sustained by reason of the negligence of the employees of the State Highway Department and/or Angelina County, Texas, all to R. L. Gillespie; providing for place of venue; providing that such suit may be filed within two years after this Act takes effect; providing for the method of serving process and for procedure governing the trial and determination of such suit; recognizing the liability of the State of Texas and making appropriation for the payment of such judgment, if, as and when finally obtained; providing for the method of comprising and settling such claims, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 385 ON SECOND
READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 385, A bill to be entitled "An Act to amend Article 5517 of Title 91 of the Revised Civil Statutes, 1925, of the State of Texas, so as to provide that no person shall ever acquire, by occupancy or adverse possession, any right or title to any part or portion of any road, street, alley, sidewalk or grounds belonging to any town, city or county, or which has been donated or dedicated for public use in any such town, city or county by the owner thereof, or which has been laid out or dedicated in any manner to public use in any town, city or county in this State, and declaring an emergency."

The bill was read second time.

Mr. Thornberry offered the following committee amendment to the bill:

Amend House Bill No. 385, by striking out all above the enacting clause and inserting in lieu thereof, the following:

"An Act to amend Article 5517 of Title 91 of the Revised Civil Statutes, 1925, of the State of Texas, so as to provide that the right of the State shall not be barred by any of the provisions of this Title, and to provide that no person shall ever acquire, by occupancy or adverse possession, any right or title to any part or portion of any road, street, alley, sidewalk or grounds belonging to any town, city or county, or which has been donated or dedicated for public use in any such town, city or county by the owner thereof, or which has been laid out or dedicated in any manner to public use in any town, city or county in this State, and declaring an emergency."

The amendment was adopted.

House Bill No. 385 was then passed to engrossment.

HOUSE BILL NO. 412 ON SECOND
READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 412, A bill to be entitled "An Act amending Section 17 of Article 2815h of the Revised Civil Statutes of the State of Texas, as

amended by the Regular Session of the Forty-fourth Legislature, 1935, governing the creation of Junior Colleges, by adding thereto a new subsection to be numbered Section 17 (a) providing that a proposed district may have less than seven thousand (7000) scholastic enrollment but not less than five thousand (5000), provided the site of such college is more than seventy-five (75) miles from any other Junior or Senior College supported by public taxes and provided that the State Board of Education finds that the proposed district is in a growing section and that there is a public convenience and necessity for such Junior College, and declaring an emergency."

The bill was read second time.

Mr. Metcalfe offered the following committee amendments to the bill:

Amend House Bill No. 412, by striking out of Section 17 (a) the following: "where (a) the proposed site of such college is more than seventy-five (75) miles from any other Junior or Senior College supported by public tax, and where (b)" and insert in lieu thereof the following:

"and where".

BOETHEL.

Amend House Bill No. 412, page 2, line 7, by striking out the word "enrollment", and substituting in lieu thereof the word "enrollment".

The amendments were severally adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 412 was then passed to engrossment.

HOUSE BILL NO. 429 ON SECOND
READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 429, A bill to be entitled "An Act fixing terms of office and providing for election of school trustees in cities constituting Independent School Districts or which have assumed control of their Public Free Schools and having, according to the last preceding Federal Census, a population of not less than 101,000 inhabitants, and not more than 105,000 inhabitants."

The bill was read second time.

Mr. Hankamer offered the following amendment to the bill:

Amend the caption to House Bill No. 429 by striking out the period after the word "inhabitants" at the end of caption and inserting in lieu thereof a semi-colon and by adding the following language after said semi-colon: "providing the provisions of this Act shall be cumulative of all General Laws on the subject of this Act not in conflict herewith, and where not otherwise provided herein, such General Laws shall apply, but in case of conflict, the provisions of this Act shall control and be effective, and declaring an emergency."

The amendment was adopted.

House Bill No. 429 was then passed to engrossment.

HOUSE BILL NO. 438 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 438, A bill to be entitled "An Act to amend Chapter 51, Local and Special Laws of the State of Texas, passed at the Regular Session of the Thirty-seventh Legislature as amended by Chapter 36, General Laws passed at the Regular Session of the Forty-third Legislature, pertaining to San Antonio Independent School District, by adding thereto Section 6-a, authorizing the district to borrow money and to pledge its delinquent taxes levied for maintenance and operation expenses as security for such loans, ratifying and confirming such actions heretofore taken by the district and its governing board, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 450 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 450, A bill to be entitled "An Act providing for the amount that may be allowed by County Boards of Trustees to the County Superintendents of Public Instruction for expenditures for office and traveling expenses in certain counties according to the last preceding Federal Census; re-

pealing all laws and parts of laws, General or Special in conflict herewith, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 451 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 451, A bill to be entitled "An Act providing for the amount that may be allowed by County Boards of Trustees to the County Superintendent of Public Instruction for expenditures for office and traveling expenses in certain counties according to the last preceding Federal Census; repealing all laws and parts of laws, General or Special in conflict herewith, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 428 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 428, A bill to be entitled "An Act to make it unlawful to take, hunt, trap, shoot or kill any deer or wild quail of any species, for a period of five (5) years in Hudspeth County, Texas; fixing penalty, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 473 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 473, A bill to be entitled "An Act amending Article 1583 of the Penal Code of Texas, 1925, relating to work and vacation of firemen and policemen in cities of more than twenty-five thousand inhabitants and in cities of more than thirty thousand inhabitants, by adding a new section to be known as Article 1583B, providing for vacations for jailers, jail guards and jail matrons and providing penalties for the violation of the provisions of this Article, and declaring an emergency."

The bill was read second time.

Mr. Thornton offered the following amendment to the bill:

Amend House Bill No. 473, by inserting the following after the word "matrons" in the caption: "assigned to duty in any county jail in any city of more than twenty-five thousand inhabitants".

The amendment was adopted.

House Bill No. 473 was then passed to engrossment.

HOUSE BILL NO. 477 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 477, A bill to be entitled "An Act to make it unlawful to hunt, shoot or kill any deer for a period of three years in Coryell County, Texas; fixing penalty; repealing all laws and parts of laws, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 487 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 487, A bill to be entitled "An Act validating an order of county school board, transferring land out of Common School District No. 113, to Independent School District No. 6, in Wise County, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 606 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 606, A bill to be entitled "An Act to amend Article 2687, Revised Civil Statutes of Texas, 1925, prescribing the time of meeting of the County Board of School Trustees in counties containing a population of not less than 43,180 and not more than 44,100 population, according to the last preceding Federal Census; providing for their compensation; providing the fund from which same shall be paid; providing this Act shall be cumulative of all existing laws on this subject but this Act shall apply

wherein conflict therewith, and declaring an emergency."

The bill was read second time.

Mr. Brown offered the following amendment to the bill:

Amend House Bill No. 606, by striking out all of paragraph 1, in Section 1, and the words "Article 2687B" in paragraph 2, Section 1, and substituting therefor the following: "That Article 2687, Revised Civil Statutes of Texas, 1925, be amended by adding thereto the following".

The amendment was adopted.

House Bill No. 606 was then passed to engrossment.

HOUSE BILL NO. 273 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 273, A bill to be entitled "An Act to grant Mrs. Buelah Baker McFarland and husband, A. C. McFarland and A. D. Baker and wife, Alty Baker, of Bell County, Texas, permission to bring suit against the State of Texas and the State Highway Department for damages for personal injuries received by, and the death of Robert Baker, on account of the alleged negligence of the State Highway Department and of its employees while Robert Baker was employed on construction work on State Highway No. 2 in Bell County, Texas; providing for place of venue; providing such suit may be filed within two years after this Act takes effect; providing for the method of serving process and for procedure governing the trial and determination of such suit; providing for contingent appropriation to pay any judgment recovered, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 631 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 631, A bill to be entitled "An Act to amend Section 6 of an Act passed by the Forty-fourth Legislature, Acts, 1935, First Called Session, page 1655, Chapter 425, Paragraph 1, which is entitled 'An Act empowering cities of 290,000 or more inhabitants

to build and purchase, mortgage and encumber exposition and convention halls or either and the income thereof and to evidence the obligations therefor by bonds, notes or warrants and to secure the payment of funds to purchase same or to remodel, renovate or repair same'; . . . etc., and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 655 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 655, A bill to be entitled "An Act providing for the amount that may be allowed by County Boards of Trustees to the County Superintendents of Public Instruction for expenditures for office and traveling expenses in certain counties according to the last preceding Federal Census; repealing all laws and parts of laws, General or Special, in conflict therewith, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 681 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 681, A bill to be entitled "An Act amending Section 2, House Bill 327, Chapter 350, General Laws of the Forty-fourth Legislature, Regular Session, as amended by Senate Bill No. 58, Chapter 421, of the First Called Session of the Forty-fourth Legislature, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 718 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 718, A bill to be entitled "An Act conveying the title of the State of Texas to Lot No. 3, Block 1, in the R. T. Mulcahy's Addition to the Town of Rosenberg, Fort Bend County, Texas, acquired by the State under tax sale, to the Rosenberg Gin

Company, a Texas corporation, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 447 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 447, A bill to be entitled "An Act to create Taylor-Callahan Counties Road District Number 7, embracing lands in the counties of Taylor and Callahan, Texas; defining its boundaries; providing that said district shall be governed and controlled by the provisions of Chapter 16, General Laws, Thirty-ninth Legislature, First Called Session, 1926, and amendments, except as herein otherwise provided; conferring upon said road district all the rights, powers, privileges and duties conferred and imposed by the General Laws of Texas upon road districts; providing that any territory, included within the bounds of said district, as created by this Act, shall remain chargeable with any and all outstanding bonded indebtedness heretofore voted by such territory, under authority of Section 52, Article III, Constitution; providing that nothing in this Act shall be construed as affecting the organization and establishment of Road District Number 1, of Taylor County, Texas, the indebtedness now outstanding against said road district Number 1, and/or the levy of taxes in payment thereof; . . . etc., and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 457 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 457, A bill to be entitled "An Act prohibiting the taking, trapping or killing of raccoons and mink in the County of Guadalupe for a period of three (3) years; providing a penalty therefor, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 503 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 503, A bill to be entitled "An Act repealing Section 6, Article 923qa-4 of the Penal Code of Texas so as to exempt Williamson County from a closed season of ten years in the taking of wild beaver, wild otter or wild fox or the pelts thereof, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 506 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 506, A bill to be entitled "An Act making it unlawful to take or catch in any manner from any of the public waters, rivers, creeks, or lakes in Gonzales County, any bass, crappie, perch, calico bass, bream, or catfish of any variety, or to have in his possession or retain in any way any bass, crappie, perch, calico bass, bream, or catfish of any variety caught or taken from such waters during certain months; and fixing a penalty for violation of this Act, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 509 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 509, A bill to be entitled "An Act to declare a closed season on the killing of quail in Montague County, Texas, for a period ending January 16, 1939; prescribing a penalty for the violation of this Act, and declaring an emergency."

The bill was read second time.

Mr. London offered the following amendment to the bill:

Amend House Bill No. 509, by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. It shall be unlawful for any person to hunt any quail with a gun or with a dog outside of the

county of his residence on the private lands of another person without first having obtained written permission from the owner or authorized agent in charge of such lands to indulge in such privileges for the period of time specified in such permit; provided, however, that the provisions of this Section shall not apply where such person is so hunting in company with the owner or agent of such lands.

"Sec. 2. Any person who attempts to indulge in any of the privileges for which a permit is required in Section One of this Act, without first having obtained and having in his possession, at the time he indulges in such privileges, a valid permit, as required in Section One of this Act, or any person who attempts to indulge in such privileges upon a forged or fraudulent permit, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Ten Dollars (\$10.00), nor more than Two Hundred Dollars (\$200.00).

"Sec. 3. Any person who is found in the act of hunting quail with a gun or with a dog on the private lands of another person outside of the county of his residence without having first obtained and having in his possession the permit as required by Section One of this Act, shall be prima facie guilty of a violation of this Act.

"Sec. 4. This Act shall apply only to the County of Montague and all laws or parts of laws, in so far as they conflict with any portion of this Act, and insofar as they relate to Montague County, be, and the same are hereby repealed.

"Sec. 5. It shall be the duty of all officers operating in any county to which this Act applies to enforce all provisions of this Act."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 509 was then passed to engrossment.

HOUSE BILL NO. 515 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 515, A bill to be entitled "An Act to prohibit the killing, cap-

turing or taking possession of any wild fox in Lamar County for a period of five years from and after the passage of this Act; prescribing a penalty for violation, and declaring an emergency."

The bill was read second time.

Mr. Skaggs offered the following amendment to the bill:

Amend House Bill No. 515, by adding after the words "Lamar County": "Red River County" wherever the words "Lamar County" appear in the said bill, and amend the caption accordingly.

The amendment was adopted.

Mr. Broadfoot and Mr. Talbert offered the following amendment to the bill:

Amend House Bill No. 515, by adding after the word "Lamar" in Section 1, the words "Fannin and Smith", and by changing the word "County" to "Counties".

BROADFOOT,
TALBERT.

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 515 was then passed to engrossment.

HOUSE BILL NO. 233 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 233, A bill to be entitled "An Act authorizing Mrs. Fannie Williams, a widow, to sue the State of Texas and/or the State Highway Commission in its official capacity, on account of damages to Block 28-A, Williams Addition to Waxahachie, Ellis County, Texas, by reason of the construction over and maintenance across said lot of State Highway No. 6, being United States Highway No. 77, as constructed and maintained across and upon said lands by the State Highway Commission of Texas, fixing the venue of such suit and providing for the issuance and service of process therein."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 275 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 275, A bill to be entitled "An Act to provide for the repurchase of land located in Dallam and Hartley Counties heretofore set apart to build the Capital of the State of Texas, that has been recovered by the State, and repurchased as provided by the laws of this State and forfeited or that is subject to being forfeited for nonpayment of interest or principal accrued prior to the date of the passage of this Act, and giving a preference right to the owners of such lands or part thereof at any time within ninety (90) days after the date of notice of revaluation of such land to repurchase the same upon the terms and conditions provided in Chapter 94, page 267, Acts of 1925, as amended by Acts of 1926, Thirty-ninth Legislature, First Called Session, page 43, Chapter 25, etc., and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 507 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 507, A bill to be entitled "An Act to validate the organization and creation of all Junior College Districts created in any manner under the provisions of the Acts of the Forty-first Legislature, 1929, page 648, Chapter 290 and/or under any amendment thereof; validating all proceedings and acts of the board of trustees of all independent school districts heretofore taken by such boards of trustees in creating or undertaking to create Junior College Districts; validating all proceedings and acts of boards of trustees, boards of education, or other governing bodies of Junior College Districts heretofore taken; validating all bonds, voted, authorized and/or sold and/or now outstanding of said district; validating all tax levies made in behalf of said college districts; making certain exceptions, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 95 ON SECOND
READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 95, A bill to be entitled "An Act providing that all private corporations which have heretofore been incorporated and are now authorized by their charters and the Statutes of this State to operate street and interurban railways with power to distribute and sell gas and electricity to the public and which have heretofore abandoned or discontinued or may hereafter abandon or discontinue the operation of street and interurban railways and motor busses substituted therefor are hereby authorized to continue to distribute and sell electricity and gas during the unexpired period of their corporate charters just as though they continued the operation of said street and interurban railways or motor busses, or both, and declaring an emergency."

The bill was read second time.

Mr. McCracken offered the following committee amendment to the bill:

Amend House Bill No. 95 by McCracken et. al., by substituting for the word "and" in the phrase "sell gas and electricity" so as to make the same read as follows: "sell gas and/or electricity."

The amendment was adopted.

House Bill No. 95 was then passed to engrossment.

ADDITIONAL QUESTIONNAIRE
FILED

(1) Albert L. Derden.

Marlin, Texas.

Representative of District No. 62.

(2) Lawyer.

(3) Not any.

(Signed) ALBERT L. DERDEN.

Sworn and subscribed to this the 1st day of March, 1937.

(Seal)

JONNIE MAE WATSON,
Notary Public, Travis County.

RECESS

Mr. Celaya moved that the House recess to 10:00 o'clock a. m., tomorrow.

Mr. Reed of Bowie moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Question first recurring on the motion by Mr. Reed of Bowie, it was lost.

Question next recurring on the motion by Mr. Celaya, it prevailed, and the House accordingly, at 10:00 o'clock p. m., took recess to 10:00 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The Committee on Highways and Motor Traffic filed an adverse report, with a minority favorable report, on House Bill No. 154.

REPORTS OF THE COMMITTEE
ON ENGROSSED BILLS

Committee Room,

Austin, Texas, February 26, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 47, A bill to be entitled "An Act providing for the repeal of Senate Bill No. 294 and known as Chapter 64 at page 152 of the General Laws of the Regular Session of the Forty-fourth Legislature, wherein it was provided that school trustees in independent school districts having within their boundaries a city with a population of not less than 160,000 or more than 220,000, should be elected for a period of six years and providing among other things for the filling of vacancies and the holding of elections; repealing all laws and parts of laws (general or special) in conflict with that Act, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, February 26, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 123, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts which include within their limits a city or town which according to the latest Federal Census had a population of not fewer than 4,600 and not more than 4,650, whether organized under general or special law, repealing all laws in

conflict herewith, both general and special, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, February 26, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 147, A bill to be entitled "An Act empowering and authorizing cities and towns in the State of Texas having a population in excess of 290,000 inhabitants, according to the last preceding or any future Federal Census, to enact ordinances governing operation of all motor vehicles upon the public thoroughfares of such cities; providing that said ordinances may require testing and inspecting such motor vehicles at stated times and approval by testing and inspected authorities; permitting the fixing of penalties for violating said ordinances; authorizing such cities to acquire, establish, erect, equip, improve, enlarge, repair, operate and maintain motor vehicle testing stations to prescribe and collect a fee for such tests and for the disposition of such fees; authorizing said cities to mortgage or encumber said stations to borrow money and issue warrants to finance said stations and to pledge said fees and receipts for payment of said indebtedness; providing a saving clause; repealing all conflicting laws, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, February 26, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 250, A bill to be entitled "An Act to fix the salaries and compensation of County Commissioners in counties with a population of not less than thirteen thousand six hundred (13,600) inhabitants, nor more than thirteen thousand seven hundred (13,700) inhabitants, according to the last Federal Census as to population, and providing for the manner of the

payment of salaries and the funds from which said salaries shall be paid; and repeal all laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, February 26, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 277, A bill to be entitled "An Act providing relief for the Old Glory Rural High Common School District No. 4 of Stonewall County, Texas, in replacing buildings and equipment destroyed by a disastrous fire on December 13th, 1936; making an appropriation for said district to replace said buildings and equipment, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, February 26, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 353, A bill to be entitled "An Act making certain emergency appropriation out of the General Revenue Fund of the State of Texas for the Live Stock Sanitary Commission for the balance of the fiscal year ending August 31, 1937, to cover the purchase of dip materials, marking paint salaries of inspectors, salaries of county supervisors, salaries of district supervisors, and traveling expenses, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, February 26, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 44, Providing for the parking of cars.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

In Memory of
Honorable T. S. Henderson

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 35, In Memoriam.

Whereas, On the 18th day of February, 1937, God in His inscrutable wisdom, took from our earthly ranks the great soul of the Honorable Tom S. Henderson, of Cameron, Milam County, Texas; honorable in heart; honorable in works; and honored by all who were privileged to know him; and

Whereas, All of Texas bows its head in a spirit of irretrievable loss, to this beloved and revered pioneer spirit; who has distinguished his length of days by outstanding service to his fellow man; who has used his influence to uplift and develop this great State, and who gave unstintingly of his energies for the welfare of the Texas people, who has served his community faithfully; his State ably and notably, both as a Member of the Texas Legislature of the House of Representatives, and also as the head of University Regents for many years; and

Whereas, The Members of the Texas Legislature and the House of Representatives have learned with profound sorrow of the passing of one of its outstanding statesmen and most worthy citizens, it behooves them to survey the life history of its departed Member. A true Texan of Texas was the Honorable Tom S. Henderson. Born in Old Washington-on-the-Brazos, he received his early education in the public schools there, enrolled in Baylor University, then Waco University when fifteen years of age, and graduated with valedictory honors. His law education was received at Washington University in St. Louis. He was elected successively as County Attorney of Milam County, District Attorney and State Representative. In 1895 he was appointed to the University Board of Regents and served for sixteen years: ten as President of the group. Surviving him are his wife, the former Minnie Burns, with whom he celebrated his Golden Anniversary in 1934, two sons, John B. of Cameron and T. S. of Corpus Christi; and four daughters, Mrs. Boyd Wells of Austin, Mrs. Hamilton Bonnet of San Antonio, Mrs. Earnest Beard of Hillsboro, Mrs. J. A. Culpepper of Cameron, and eleven grandchildren; and

Whereas, He has given to his surviving family a heritage of which they may be justly proud, and a career graven upon the hopes and hearts of his fellow men; and

Whereas, Throughout his entire public career, he was recognized as one of the State's ablest lawyers and finest statesmen and in all ways worthy of emulation, vitally interested in all matters for the public good; doing justice, loving mercy and walking humbly in the way of God; and

Whereas, Texas has lost one of its greatest barristers, the masses of the people one of their kindest and most steadfast friends; and

Whereas, Of this great departed spirit of the Honorable Tom S. Henderson it may be truly said;

"No sod grows deeper than the imprint of a soul;

No monument towers higher than man's gift to man; the goal";

and

Whereas, The monument erected to the memory of the Honorable Tom S. Henderson is indelibly enshrined on the hearts and lives of those souls to whom he so lavishly "gave his gifts"; and

Whereas, We of the legion who were privileged to call him friend, have intermingled with a deep sense of personal loss, a deep and abiding sympathy for his sorely bereaved family; now, therefore, be it

Resolved by the Senate and the House of Representatives concurring, That a copy of this resolution be spread on the memorial pages of the Senate and House Journals of the day in memory of the deceased, and as a tribute to a man who has brought them honor in the faithful and exemplary service he has rendered his State at all times; and, also, be it further

Resolved, That the Secretary of the Senate and the Chief Clerk of the House of Representatives, send the family of the deceased a copy of this resolution under their respective seals and that when the Senate and House adjourn today, that they do so out of honor and respect accorded to the life and works of the Honorable Tom S. Henderson.

NEWTON,
HOLBROOK.

Signed—Woodul, Lieutenant Governor; Aikin, Beck, Brownlee, Burns, Collie, Cotten, Davis, Head, Hill, Isbell, Lemens, Moore, Neal, Nelson, Oneal, Pace, Rawlings, Redditt, Roberts, Shivers, Small, Spears, Stone, Sulak, Van Zandt, Weinert, Westerfeld, Winfield and Woodruff.

The resolution was read second time.

Signed—Calvert, Speaker; Adkins, Alexander, Alsup, Amos, Baker, Bates, Beckworth, Bell, Blankenship, Boethel, Bond, Boyer, Bradbury, Bradford, Bridgers, Broadfoot, Brown, Burton, Cagle, Callan, Carssow, Cathey, Cauthorn, Celaya, Cleveland, Colquitt, Davis of Haskell, Davis of Jasper, Davison of Fisher, Davisson of Eastland, Dean, Deglandon, Derden, Dickson, Dollins, England, Farmer, Felty, Fielden, Fox, Fuchs, Gibson, Graves, Hamilton, Hankamer, Hanna, Harbin, Hardin, Harper, Harrell, Harris of Archer, Harris of Dallas, Harris of Dickens, Hartzog, Heflin, Herzik, Holland, Hoskins, Howard, Huddleston, Hull, Hyder, Jackson, James, Johnson, of Ellis, Johnson of Tarrant, Jones of Angelina, Jones of Atascosa, Jones of Falls, Jones of Wise, Keefe, Keith, Kelt, Kenyon, Kern, King, Knetsch, Langdon, Lankford, Lanning, Leath, Leonard, Leyendecker, Little, Loggins, London, Lucas, Mann, Mauritz, Mays, McConnell, McCracken, McDonald, McFarland, McKee, McKinney, Metcalfe, Moffett, Monkhouse, Morris, Morse, Newton, Nicholson, Oliver, Palmer, Patterson of Mills, Patterson of Travis, Petsch, Pope, Powell, Prescott, Quinn, Ragsdale, Reader, Reed of Bowie, Reed of Dallas, Rhodes, Riddle, Roark, Ross, Russell, Rutta, Schuenemann, Settle, Sewell, Sharpe, Shell, Simpson, Skaggs, Smith of Hopkins, Smith of Matagorda, Smith of Tarrant, Stevenson, Stinson, Stocks, Talbert, Tarwater, Tennant, Tennyson, Thornberry, Thornton, Vale, Waggoner, Walker, Weldon, Westbrook, Winfree, Wood and Worley.

On motion of Mr. Davis of Haskell, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

In Memory of Honorable Daniel Benson Dodd

Mr. Wood offered the following resolution:

Whereas, On the morning of December 12, 1936, the Supreme Architect of the Universe, in his infinite wisdom, called from the walks of life Mr. Daniel Denson Dodd of Marshall, Texas; and

Whereas, The early life of Mr. Dodd was spent in Cass County, Texas, where he was very active in local and State government; and

Whereas, He served in the capacity of County Clerk of Cass County, from 1886 to 1892, and served as a Member of the State Legislature from Cass County, from 1892 to 1894; and

Whereas, Upon moving to Marshall, he served as Mayor of the City of Marshall from 1917 to 1918; and

Whereas, In the above named capacities he rendered a distinguished service to his community and State that will live forever in the memory of those who knew of his valiant and patriotic efforts; and

Whereas, Of this departed man let it be said,

"Green be the turf above thee,
Friend of my better days,
None knew thee but to love thee,
Nor named thee but to praise."

Now, Therefore, Be It Resolved by the House of Representatives of the State of Texas, That we now express our regrets of the passing of this great man, and that when the House adjourns today, the first day of March, 1937, that it do so in his honor; and, be it further

Resolved by the House of Representatives of the State of Texas, That a copy of this resolution be sent to each member of the deceased's family, under the seal of the Chief Clerk of the House of Representatives.

WOOD,
GIBSON.

The resolution was read second time.

Signed—Calvert, Speaker; Adkins, Alexander, Alsup, Amos, Baker, Bates, Beckworth, Bell, Blankenship, Boethel, Bond, Boyer, Bradbury, Bradford, Bridgers, Broadfoot, Brown, Burton, Cagle, Callan, Carssow, Cathey, Cauthorn, Celaya, Cleveland, Colquitt, Davis of Haskell, Davis of Jasper, Davison of Fisher, Davisson of Eastland, Dean, Deglandon, Derden, Dickison, Dollins, England, Farmer, Felty, Fielden, Fox, Fuchs, Graves, Hamilton, Hankamer, Hanna, Harbin, Hardin, Harper, Harrell, Harris of Archer, Harris of Dallas, Harris of Dickens, Hartzog, Heflin, Herzik, Holland, Hoskins, Howard, Huddleston, Hull, Hyder, Jackson, James, Johnson of Ellis, Johnson of Tarrant, Jones of Angelina, Jones of Atascosa, Jones of Falls, Jones of Wise, Keefe, Keith, Kelt, Kenyon, Kern, King, Knetsch, Langdon, Lankford, Lanning, Leath, Leonard, Leyendecker, Little, Loggins, London, Lucas, Mann, Mauritz, Mays, McConnell, McCracken, McDonald, McFarland, McKee, McKinney, Metcalfe, Moffett, Monkhouse, Morris, Morse, Newton, Nicholson, Oliver, Palmer, Patterson of Mills, Patterson of Travis, Petsch, Pope, Powell, Prescott, Quinn, Ragsdale, Reader, Reed of Bowie, Reed of Dallas, Rhodes, Riddle, Roark, Ross, Russell, Rutta, Schuenemann, Settle, Sewell, Sharpe, Shell, Simpson, Skaggs, Smith of Hopkins, Smith of Matagorda, Smith of Tarrant, Stevenson, Stinson, Stocks, Talbert, Tarwater, Tennant, Tennyson, Thornberry, Thornton, Vale, Waggoner, Walker, Weldon, Westbrook, Winfree and Worley.

On motion of Mr. Fielden, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.